



RESOLUTION NO. 2024-033

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING THE DEPARTMENT OF PUBLIC UTILITIES DIRECTOR OR DESIGNEE(S) TO PREPARE AND SUBMIT GRANT APPLICATIONS, ACCEPT FUNDS, AND EXECUTE ANY FINANCIAL ASSISTANCE AGREEMENTS AND AMENDMENTS WITH THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD ON BEHALF OF THE CITY OF FRESNO FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF WATER AND SEWER INFRASTRUCTURE TO SERVE THE COMMUNITY OF BRITTEN AVENUE

WHEREAS, the community of Britten Avenue (Community), located on Britten Avenue, east of South Cherry Avenue, is identified as a Disadvantaged Community (DAC) per State Water Resources Control Board (SWRCB) Division of Financial Assistance criteria; and

WHEREAS, the Community is served by residential wells and septic systems and is not connected to the City's drinking water and sewer distribution systems; and

WHEREAS, water quality samples collected from the taps at three homes in the Britten Community contained nitrate and/or uranium levels meeting or exceeding the maximum contaminant level (MCL) for drinking water; and

WHEREAS, the source for the nitrate is likely residential septic tanks and fertilizer runoff from neighboring agricultural areas; and

WHEREAS, the uranium likely originates from natural deposits in the groundwater aquifer; and

WHEREAS, the Community desires to connect to the City of Fresno (City) drinking water system to alleviate risks to public health and gain access to a stable source of safe



drinking water; and

WHEREAS, maintenance and replacement costs for residential septic systems are higher per capital for DACs; and

WHEREAS, the Community desires to connect to the City sewer system to reduce dependence on the residential septic systems; and

WHEREAS, the Community is located outside the City's sphere of influence; and

WHEREAS, pursuant to California Government Code section 56133(c), the Fresno Local Area Formation Commission (LAFCo) may authorize a city or special district to provide new or extended services outside of its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or residents of the affected territory; and

WHEREAS, LAFCo Resolution OS-23-02 authorizes the City to extend domestic water and sanitary services to the Community; and

WHEREAS, prior to connecting to the City's water and sewer distribution systems, the Community will enter into an Extra-territorial Service Agreement with the City; and

WHEREAS, the SWRCB has funding available through its Drinking Water State Revolving Fund (DWSRF) and the Clean Water State Revolving Fund (CWSRF) that prioritizes safe, clean, reliable drinking water and wastewater treatment solutions for small, disadvantaged communities; and

WHEREAS, the Department of Public Utilities (DPU) intends to apply for funding through DWSRF and CWSRF to fund installation of water and sewer extensions to serve the Community; and

WHEREAS, the SWRCB requires that the governing body of the applicant submit



a resolution designating an authorized representative or their designee(s) to prepare and submit applications, accept funds, and execute the financial assistance agreements and any amendments thereto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council of the City of Fresno, California authorizes this resolution.
2. The Director of Public Utilities (Authorized Representative) or designee(s) is authorized to prepare and submit applications, accept funds, and execute the financial assistance agreements and any amendments thereto with the SWRCB on behalf of the City for the planning, design, and construction of water and sewer infrastructure to serve the Community of Britten Avenue.
3. The Authorized Representative or designee(s) is authorized and designated to provide assurances, certifications, and commitments required for the financial assistance application.
4. The Authorized Representative or designee(s) is designated to represent the City in carrying out the City's responsibilities under the financing agreements, including certifying disbursement requests on behalf of the City and compliance with applicable state and federal laws.
5. Subject to the foregoing provisions, the City certifies it has legal authority to participate in the aforementioned financial assistance programs with the state and federal government.
6. Nothing in this resolution binds or obligates the City's general fund, taxing authority, or borrowing power.



7. This resolution shall be effective upon final approval.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 22nd day of February, 2024.

AYES : Perea, Karbassi, Arias, Maxwell, Chavez, Bredefeld, Esparza
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: March 1, 2024
Mayor Approval/No Return: N/A, 2024
Mayor Veto: N/A, 2024
Council Override Vote: N/A, 2024

TODD STERMER, CMC
City Clerk

By: [Signature] 3-5-2024
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: [Signature] 3/4/24
Christine C. Charitar Date
Deputy City Attorney



February 23, 2024


Council Adoption: 02/22/2024

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR JERRY DYER

FROM:  TODD STERMER, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

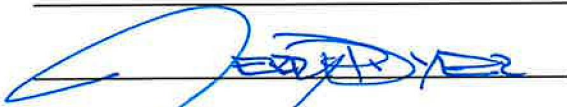
At the City Council meeting of February 22, 2024, Council adopted the attached Resolution No. 2024-033 *****RESOLUTION - Authorizing the Department of Public Utilities Director or designee(s) to prepare and submit grant applications, accept funds, and execute any financial assistance agreements and amendments with the California State Water Resources Control Board on behalf of the City of Fresno for the planning, design, and construction of water and sewer infrastructure to serve the Community of Britten Avenue. (Subject to Mayor's Veto) (Unincorporated Fresno County)** Item 2-W, File ID 24-220, by the following vote:

Ayes : Perea, Karbassi, Arias, Maxwell, Chavez, Bredefeld, Esparza
Noes : None
Absent : None
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before March 4, 2024. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

APPROVED /NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)



Jerry Dyer, Mayor

COUNCIL OVERRIDE ACTION:

Ayes :
Noes :
Absent :
Abstain :

Date: 3/1/24

Date: CITY OF FRESNO
CITY CLERK'S OFFICE

2024 MAR -1 P 1:02

RECEIVED