

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, REPEALING AND REPLACING RESOLUTION NO. 2024-033 AND AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES 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 OF WATER 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 is not connected to the City's drinking water distribution system; and

WHEREAS, water quality samples collected from the taps at three homes in the 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, the Community desires to connect to the City water system to eliminate dependence on the residential wells; 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 if certain conditions are met; and

WHEREAS, on June 6, 2023, LAFCo issued Resolution OS-23-02 authorizing the City to extend domestic water and sanitary sewer services to the Community; and

WHEREAS, prior to connecting to the City's water distribution system, the individual property owners within the Community will enter into an Extra-territorial Service Agreement with the City; and

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

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

WHEREAS, the City will be working with Self-Help Enterprises, through a Technical Assistance Workplan, to perform the tasks of the planning study to determine project feasibility. The planning study includes design work, environmental review, and preparation of an application for construction funding; 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; and

WHEREAS, on February 22, 2024, the Council adopted Resolution 2024-033 authorizing the Director of Public Utilities to prepare and submit applications, accept funds, and execute financial assistance agreements, and any amendments thereto with the SWRCB for the planning, design, and construction of water and sewer infrastructure to serve the Community; and

WHEREAS, the proposed water and sewer planning studies and construction projects were combined in Resolution 2024-033. However, these are separate and independent studies and projects so DPU will be pursuing these studies and construction projects separately and will be requesting approval to submit separate applications for grant funding; and

WHEREAS, the SWRCB requires separate funding applications for the planning activities and the water infrastructure construction; and

WHEREAS, this resolution only requests authority to apply for funding for a planning study for the water infrastructure project. Should the City receive grant funding for the planning study, DPU intends to submit a funding application for construction grant funding after completion of the planning study; and

WHEREAS, DPU recommends that Council adopt this resolution to repeal and replace Resolution 2024-033.

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

1. The Council of the City of Fresno hereby repeals Resolution No. 2024-033 and replaces it with Resolution No. 2025-\_\_\_\_\_.

2. The Director of Public Utilities (Authorized Representative) or designees(s) is authorized to prepare and submit funding applications, accept funds, and execute the financial assistance agreements and any amendments thereto with the State Water Resources Control Board (SWRCB) on behalf of the City for the planning of water 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 financial assistance 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 \_\_\_\_\_ day of \_\_\_\_\_ 2025.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2025  
Mayor Approval/No Return: \_\_\_\_\_, 2025  
Mayor Veto: \_\_\_\_\_, 2025  
Council Override Vote: \_\_\_\_\_, 2025

TODD STERMER, MMC  
City Clerk

By: \_\_\_\_\_ Date  
Deputy

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

By: \_\_\_\_\_ Date  
Jennifer M. Quintanilla  
Senior Deputy City Attorney