RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) THAT THE PROPOSED CHANGES TO PORTIONS OF THE FRESNO MUNICIPAL CODE AND MASTER FEE SCHEDULE CONCERNING TRANSMISSION GRID MAINS AND ASSOCIATED REIMBURSEMENTS ARE NOT A PROJECT PURSUANT TO CEQA GUIDELINES SECTION 15378

WHEREAS, Section 6-516 of the Fresno Municipal Code relating to transmission grid main reimbursements is being repealed and Section 6-501(ee), the definition of transmission grid main, is being amended; and

WHEREAS, the Master Fee Resolution is being updated concerning transmission grid credit/reimbursement amounts under the Public Utilities Section; and

WHEREAS, these updates to the transmission grid main credit/reimbursement amounts do not approve any project, nor does it constitute an approval of any expansion project or any other specific project and any such future project or future approval is required to comply with the California Environmental Quality Act (CEQA); and

WHEREAS, when the City's prior update to the water capacity fee ordinance was challenged and upheld by the Court of Appeal in *Granville Homes, et al. v. City of Fresno*, Case No. F077870 (Cal.Ct.App. Jun. 1, 2020) the Court of Appeal made the same determinations under CEQA Guidelines Section 15378 that are being adopted by this resolution.

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

1. The above recitals are incorporated by reference as set forth in full herein.

Date Adopted:
Date Approved:
Effective Date:
City Attorney Approval:

2. The City Council finds that, under the definition as provided in CEQA Guidelines Section 15378, this item is not a project. All of the City Council's actions as described above, including the action to amend portions of the FMC that address the process for reimbursing developers that construct TGM and the proposed amendment to the Master Fee Schedule, are not an "approval" of a "project," nor does it constitute an "approval" of any expansion project or any other specific project. The capacity fees themselves (and the above actions) merely involve a government funding mechanism, and these amendments to the above matters are not a CEQA project. (See Cal. Code Regs., tit. 14, § 15378, subd. (b)(4).)

3. This resolution shall become effective immediately upon its adoption.

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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 _____, 2023.

AYES:
NOES:
ABSENT:
ABSTAIN:

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM
ANDREW JANZ
City Attorney

By:_____
Jennifer M. Quintanilla Date
Senior Deputy City Attorney