

RESOLUTION NO. 2015-____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING THE PREPARATION AND SUBMISSION OF FINANCIAL ASSISTANCE APPLICATIONS TO THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD AND THE US DEPARTMENT OF AGRICULTURE FOR PLANNING, DESIGN AND CONSTRUCTION OF WATER INFRASTRUCTURE IN THE DALEVILLE COMMUNITY AND CHERRY AVENUE AREA AND THE FRESNO AREA LOCAL AGENCY FORMATION COMMISSION FOR EXTENSION OF SERVICES

WHEREAS, the City of Fresno is proceeding with a project funded by the State Water Resources Control Board (SWRCB) to develop water facilities that will extend the City's public water supply system to serve the Orange Center Elementary School located within the City's Sphere-of-Influence at 3530 S Cherry Ave, Fresno, CA 93706;

WHEREAS, the extension of the City's public water supply system to the Orange Avenue Elementary School will provide the water supply infrastructure in close proximity to the Daleville Community (Daleville) and residents along South Cherry Avenue, both of which have been adversely impacted by the drought as exhibited by dry well conditions and contaminated well conditions that exist for both;

WHEREAS, the SWRCB and the United States Department of Agricultural (USDA) are prepared to accept and approve financial assistance applications to fully fund further extension of the City's public water supply system to address dry well conditions and contaminated well conditions in Daleville and along South Cherry Avenue between North Avenue and Central Avenue;

1 of 6

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: BC

Resolution No.

WHEREAS, on January 17, 2014, Governor Brown proclaimed a state of emergency due to drought conditions in the state;

WHEREAS, the State of California authorized the Public Water System Drought Emergency Response and Drinking Water Emergency Funding programs administered by the SWRCB Division of Financial Assistance to expend funding in FY 2015-16;

WHEREAS, the USDA has acknowledged the drought emergency in the State of California and is accepting applications from eligible entities for funding under the Emergency Community Water Assistance Grants (ECWG) program;

WHEREAS, as shown in the test results from 14 wells within proximity of Daleville, as shown in Exhibit "A", there is evidence of contamination, in at least the shallow aquifer from which local private domestic wells draw their water in 50% and 73%, respectively, of the wells sampled for uranium and nitrate, with 20% testing positive for total coliform bacteria;

WHEREAS, one-third of those with nitrate contamination had levels over twice the Maximum Containment Level (MCL) and one well at four times the MCL;

WHEREAS, contamination in drinking water has been, and after the drought will continue to be, a persistent health risk;

WHEREAS, in regards to Fresno County Local Agency Formation Commission (LAFCo), and Government Code Section 56133(a), a city or district may provide new or extended services by contract or agreement outside its jurisdictional boundaries only if it first requests and receives written approval from the commission in the affected county;

WHEREAS, pursuant to Government Code Section 56133(b), LAFCo may authorize a city or district to provide new or extended services outside its jurisdictional

boundaries but within its sphere of influence in anticipation of a later change of organization;

WHEREAS, pursuant to Government Code Section 56133(c), LAFCo may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:

(1) The entity applying for the contract approval has provided LAFCo with documentation of a threat to the health and safety of the public or the affected residents; and

(2) LAFCo has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

WHEREAS, the non-profit organization Self-Help Enterprises, via a SWRCB Legal Entity Formation Assistance grant, can use grant funds for applicable LAFCo application fees for said Project;

WHEREAS, Self-Help Enterprises has conducted extensive outreach to the residents and property owners of the affected area and has generated documentation demonstrating support for this Project from the residents and property owners;

WHEREAS, the SWRCB and the USDA are willing to accept drought and contamination impacted drinking water related applications on behalf of the residents of Daleville and along South Cherry Avenue, as shown in Exhibit "B" as Area 1;

WHEREAS, the City is desirous of submitting grant applications to fund said Project;

WHEREAS, the SWRCB and USDA require that the governing body of the applicant submit a resolution designating an authorized representative or designee to execute application documents; and

WHEREAS, a resolution will demonstrate authorization to submit a LAFCo application to request extension of service(s) to the unincorporated area (Area 1) within the Fresno Sphere of Influence.

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

1. The City Department of Public Utilities (DPU) Director or designee(s) are hereby authorized and directed to sign and file, for and on behalf of the City, Financial Assistance Applications for financing agreements with the SWRCB and USDA for planning, design, and construction of the Project.

2. The Office of the City Attorney is authorized and designated to provide assurances, certifications, and commitments required for the financial assistance applications, including executing financial assistance agreements from the SWRCB and USDA and any amendments or charges thereto.

3. The Authorized Representative, DPU Director, 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.

4. The Authorized Representative, Director of Public Utilities, or designee(s), is designated to represent the City in preparing and submitting an application for extended services to LAFCo.

5. Subject to the foregoing provisions, the City certifies it has legal authority to participate in the aforementioned grant 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.

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

I, YVONNE SPENCE, 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 _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Brandon M. Collet Date
Deputy

Attachment: Exhibit A
Exhibit B