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Title: Actions related to a Standardized Extraterritorial Agreement regarding water and sewer services with customers located outside the City of Fresno (City) limits and within the City’s Sphere of Influence (SOI) (citywide):

1. Approve the Standardized Extraterritorial Agreement pertaining to water and sewer services within the City’s Sphere of Influence.
2. Authorize the Director of Public Utilities, or designee, to execute all documents related to the Agreement on behalf of the City of Fresno.

Sponsors: Department of Public Utilities

Indexes:

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Attachments: 1. 2019-12-12 Attachment 1 - Standardized Extraterritorial Agreement.pdf, 2. 2019-12-12 Attachment 2 - LAFCo Resolution No. 127.pdf

Date	Ver.	Action By	Action	Result
12/12/2019	1	City Council	approved	

REPORT TO THE CITY COUNCIL

December 12, 2019

FROM: MICHAEL CARBAJAL, Director
Department of Public Utilities

THROUGH: BROCK D. BUCHE, PE, PLS, Assistant Director - UP&E
Department of Public Utilities - Utilities Planning & Engineering

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SUBJECT

Actions related to a Standardized Extraterritorial Agreement regarding water and sewer services with customers located outside the City of Fresno (City) limits and within the City’s Sphere of Influence (SOI) (citywide):

1. Approve the Standardized Extraterritorial Agreement pertaining to water and sewer services within the City’s Sphere of Influence.
2. Authorize the Director of Public Utilities, or designee, to execute all documents related to the Agreement on behalf of the City of Fresno.

RECOMMENDATION

Staff recommends that the City Council approve the Standardized Extraterritorial Agreement pertaining to water and sewer services in the interest of expediting the review and approval process of future applications. This agreement will fast-track the delivery of services to customers located outside the City's service area, but within the City's Sphere of Influence.

EXECUTIVE SUMMARY

Approval of this item by City Council will enable the Director of Public Utilities to execute Standardized Extraterritorial Agreements regarding water and sewer services. The Standardized agreement streamlines the process of providing City services to customers located outside the City's service area, but within the City's Sphere of Influence. The executed agreement also puts forth the Applicant's consent not to oppose or protest, in any way, future City annexation. Lastly, this Council action grants the Director of Public Utilities the authorization to execute Standardized Extraterritorial Agreements regarding water and sewer services concerning properties that do not require a California Environmental Quality Act (CEQA) Study nor offsite infrastructure expansion.

BACKGROUND

Government Code (GC) 56133(a) A city or district may provide new or extended services by contract or agreement outside its jurisdiction boundaries only if it first requests and receives written approval from the commission in the affected county. By Resolution No. 127, the Fresno Local Agency Formation Commission (LAFCo) delegated to the Executive Officer the authority to approve, or conditionally approve, proposals to extend services outside jurisdictional boundaries. Pursuant to Government Code section 56133 (c), LAFCo may authorize a city to provide new or extended services outside of its jurisdictional boundaries in anticipation of a later change in organization.

Currently, when a resident outside of the City's limits but within its SOI desires to connect to the public water or sewer system each individual case has to go before City Council for approval. For the most part, these cases involve residents whose private water wells are failing or onsite septic systems have exceeded their useful life. Under these circumstances, waiting for a case to go before Council could be a risk to health and safety. Implementation of the standardized extraterritorial agreement streamlines the approval process and permits an expedited connection thus minimizing inconvenience, and health and safety risk for the home owner.

The attached Standardized Extraterritorial Agreement outlines the provisions for City water and sewer services. The agreement has been approved as to form by the City Attorney's Office.

ENVIRONMENTAL FINDINGS

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15301(c) (existing facilities), which exempts the minor alterations to existing utilities, and no further expansion of existing use, because the project includes connection to the City's existing public water and sewer systems. Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

LOCAL PREFERENCE

Local preference was not considered because the Standardized Extraterritorial Water and Sewer Services Agreement does not include an award of a construction or services agreement.

FISCAL IMPACT

The General Fund will not be negatively impacted by the Standardized Extraterritorial Agreement. Future Extraterritorial customers will agree to pay all required water and sewer fees as determined by the City prior to connecting to the City's public water and sewer systems.

Attachments:

Attachment 1 - Standardized Extraterritorial Agreement

Attachment 2 - LAFCo Resolution No. 127