

RESOLUTION NO. 2025-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, FINDING THAT THE UPDATE CITY OF FONTANA SEWER MASTER PLAN IS NOT SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND APPROVING THE UPDATE.

WHEREAS, the City of Fontana ("City") is a municipal corporation duly created, established and authorized to exercise its powers under and pursuant to the Constitution and the laws of the State of California; and

WHEREAS, Article XI, Section 7 of the California Constitution gives cities the power to create and enforce local laws that are not in conflict with state or federal laws; and

WHEREAS, California Government Code Section 66000 et seq. sets forth the framework for a city to levy development impact fees; and

WHEREAS, California Government Code Section 66002 authorizes a city to adopt a capital improvement plan that indicates the approximate location, size, time of availability, and estimates the costs for all facilities and improvements to be financed with development impact fees; and

WHEREAS, on the 16th day of July, 2002, the City adopted its latest sewer master plan update though Resolution No. 2002-111; and

WHEREAS, since 2002, changes in the land use element of the City's General Plan have occurred along with increases in density and population resulting in a need for capital improvements to the City's sewer facilities; and

WHEREAS, in July 2024, the City has prepared a proposed sewer master plan update ("Update") to provide a basis for adopting development impact fees for new sewer facilities, making improvements to existing sewer facilities, and prioritizing such facility improvements, none of which can proceed prior to compliance with the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) ("CEQA"); and

WHEREAS, City staff has determined that approval of the Update is exempt from environmental review pursuant to CEQA because it is not a "project" as defined in section 15378(b)(4) of the California Code of Regulations, which provides that a project for purposes of CEQA does not include "[t]he creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment."; and

WHEREAS, the Update is consistent with the City's General Plan and is necessary to protect the health, safety and welfare of the citizens of the City; and

WHEREAS, the City intends to adopt the Update to keep its sewer master plan current and in line with the needs of the City.

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

Section 1. Recitals. The above recitals are true, correct and incorporated herein by this reference.

Section 2. CEQA. The City Council has determined that the Update is exempt from environmental review pursuant to CEQA because it is not a "project" as defined in section 15378(b)(4) of the California Code of Regulations, which provides that a project for purposes of CEQA does not include "[t]he creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment."

Section 3. Compliance with General Plan. The City Council of the City of Fontana hereby finds that adoption of the Sewer Master Plan Update is consistent with the City of Fontana's General Plan because it furthers the objectives and policies of the General Plan by identifying needed public facilities to accommodate the growth identified in the City's General Plan.

Section 4. Adoption of the Update. The City hereby adopts the 2023 Sewer Master Plan Update attached hereto and incorporated herein by this reference.

Section 5. Notice of Exemption. The City Council directs staff to file a notice of exemption with the County Clerk of San Bernardino within five (5) working days of the date of this Resolution.

Section 6. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 7. Certification. The City Clerk shall certify to the adoption of this Resolution.

Section 8. Effective Date. This Resolution shall become effective immediately.

APPROVED AND ADOPTED 25th day of February, 2025.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting on the 25th day of February 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk