

**HERCULES CITY COUNCIL
RESOLUTION NO. 25-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES FINDING THAT THE CITY OF PINOLE'S SEWER SERVICE PRIORITY POLICY FULFILLS THE CITY OF HERCULES 6TH CYCLE HOUSING ELEMENT PROGRAM H3-6 REQUIREMENT TO ADOPT A POLICY TO PRIORITIZE THE ALLOCATION OF SEWER SERVICES TO AFFORDABLE HOUSING PROJECTS.

WHEREAS, in 2005, the California Legislature enacted Senate Bill 1087, which amended Government Code Section 65589.7 to require all public agencies that provide water or sewer services to (i) adopt written policies and procedures granting a priority for the provision of public water or sewer services to include proposed developments that include units affordable to lower income households, and (ii) deny or condition the approval of an application for services to, or reduce the amount of services applied for by, proposed developments that include housing units affordable to lower income households only upon making specific written findings that the denial, or reduction of service is necessary due to the existing of certain circumstances specified in Section 65589.7; and

WHEREAS, the East Bay Municipal Utility District is the water service provider to the City of Hercules and has previously adopted a written policy as required by Government Code Section 65589.7; and

WHEREAS, the Pinole-Hercules Water Pollution Control Plant (WPCP), which serves the cities of Pinole and Hercules, is jointly owned by both cities through a Joint Powers Agreement. The plant is located in Pinole and is operated and maintained by the City of Pinole; and

WHEREAS, In 2016, the City of Pinole adopted by resolution a written policy concerning the provision of sewer services to proposed developments that include housing units affordable to lower income households, which is attached to this resolution as Exhibit 1; and

WHEREAS, the City of Pinole Sewer Priority Policy provides that the City of Pinole shall devote its best efforts to plan for and, to a reasonable degree (as determined on a case by case basis), prioritize providing sewer connections to housing affordable to lower income households; and

WHEREAS, the City of Pinole Sewer Priority Policy provides that development projects that include housing units affordable to lower income households shall not be denied approval of an application for service, nor shall conditions be imposed thereon or services reduced which are applied for; and

WHEREAS, the City of Pinole Sewer Priority Policy provides that the City of Pinole shall not discriminate in any manner when processing and considering requests for sewer services by developments that include housing units affordable to lower income households; and

WHEREAS, the City of Hercules 6th Cycle Housing Element was adopted on December 4, 2024 and has been certified by the California Department of Housing and Community Development; and

WHEREAS, Housing Element Program H3-6 calls for the City of Hercules to adopt, by January 31, 2025, a policy to prioritize the allocation of sewer services to affordable housing projects;

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

1. The City Council hereby finds that that the City of Pinole Sewer Priority Policy fulfills the requirements of SB 1087, codified as Government Code Section 65589.7.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 11th day of March, 2025 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dion Bailey, Mayor

ATTEST:

Eibleis Melendez, City Clerk

EXHIBIT 1

City of Pinole Sewer Priority Policy