

RESOLUTION NO. 2016-33

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE ADOPTING A
WRITTEN POLICY CONCERNING THE PROVISION OF SEWER SERVICES TO
PROPOSED DEVELOPMENTS THAT INCLUDE HOUSING UNITS
AFFORDABLE TO LOWER INCOME HOUSEHOLDS**

WHEREAS, the California Legislature has declared that the lack of housing affordable to lower income households is a matter of statewide importance; and

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 existence of certain circumstances specified in Section 65589.7; and

WHEREAS, Action H.5.1.2 of the Housing Element of the City of Pinole requires the adoption of a policy that grants priority water and sewer service allocation to developments that include housing units affordable to lower-income households as required to comply with State law; and

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

NOW THEREFORE, BE IT RESOLVED, that the following guidelines are hereby adopted by the City Council of the City of Pinole with respect to providing priority service to developments that include housing units affordable to lower-income households:

Section 1. Pursuant to, and to the extent required by, Government Code Section 65589.7, the City Council hereby adopts the following as its written policies and procedures for provision of sewer service to proposed developments that include housing units affordable to lower income households as defined by Section 50079.5 of the California Health and Safety Code, except as provided otherwise in Section 2 of this Resolution:

- a. The City 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;

- b. 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
- c. The City 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.

Section 2. Pursuant to, and to the extent permitted by, Government Code Section 65587.7, the City Manager of Pinole or the Development Services Director / City Engineer may make specific written findings that the denial, condition, or reduction of requests sewer services is necessary due to the existence of one or more of the following:

- a. The City of Pinole does not have sufficient wastewater treatment or collection capacity to serve the needs of proposed development, as demonstrated by a written engineering analysis and report.
- b. The City of Pinole is subject to a compliance order by the Regional Water Quality Control Board that prohibits new wastewater connections.
- c. The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking wastewater service from the City of Pinole, including but not limited to, the requirements of local, State, or federal laws and regulations or payment of applicable fees or charges.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 19th day of **April 2016** by the following vote:

AYES:	COUNCILMEMBERS: Banuelos, Murray, Toms, Swearingen
NOES:	COUNCILMEMBERS: None
ABSENT:	COUNCILMEMBERS: Long
ABSTAIN:	COUNCILMEMBERS: None

I, hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on this 19th day of April 2016.



Deputy City Clerk