



**CITY OF BIG BEAR LAKE
NOTICE OF PUBLIC HEARING
SEPTEMBER 23, 2019**

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE FOR CONSIDERATION OF THE FOLLOWING ITEM:

Proposed renewal of the natural gas franchise agreement with Southwest Gas Corporation, as described in that certain City Council Resolution attached hereto.

PLACE OF HEARING: Council Chambers
Big Bear Lake Civic Center – Hofert Hall
39707 Big Bear Boulevard
Big Bear Lake, CA 92315

DATE & TIME OF HEARING: September 23, 2019
6:30 p.m.

RESOLUTION NO. 2019-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO GRANT A 25-YEAR FRANCHISE TO SOUTHWEST GAS CORPORATION AND SETTING A PUBLIC HEARING DATE TO RECEIVE COMMENTS REGARDING SUCH PROPOSED FRANCHISE

WHEREAS, California Public Utilities Code Section 6202 provides that the legislative body of a municipality may grant a franchise to any corporation to lay and use pipe and appurtenances for distributing gas under and along public streets within the municipality; and

WHEREAS, California Public Utilities Code Section 6231(c) provides a formula for the amount the grantee shall pay to the municipality during the life of the franchise; and

WHEREAS, Article XI, Section 1100 of the Charter of the City of Big Bear Lake authorizes the City Council to grant a franchise to any person, partnership, corporation, or other legal entity capable of exercising the privilege conferred; and

WHEREAS, the City Council of the City of Big Bear Lake (“City”) adopted Ordinance No. 12 on January 28, 1981, granting a franchise to Southwest Gas Corporation (“Southwest”) for distributing gas; and

WHEREAS, the City Council of the City adopted Ordinance No. 93-233 on June 16, 1993 to amend the franchise agreement to comply with California Public Utilities Code Section 6231(c); and

WHEREAS, since the most recent franchise agreement with Southwest expired on June 16, 2018, the City desires to, and hereby declares its intention to, grant a new twenty-five (25) year franchise to Southwest; and

WHEREAS, the City Council finds that it is in the public interest of its citizens to enter into a new franchise agreement with Southwest; and

WHEREAS, the proposed renewed franchise agreement sets the franchise fee at two percent (2%) of Southwest Gas Corporation's gross revenues arising from this franchise agreement; and

WHEREAS, Article XI, Section 1103 of the Charter of the City of Big Bear Lake provides the procedure for granting franchises and reads as follows: "Before granting any franchise, the City Council shall adopt a resolution declaring its intention to grant same and stating the name of the proposed grantee, the character of the proposed franchise, and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any person having an interest in or objecting to the granting of such franchise may appear before the Council and be heard thereon. Said resolution shall be published at least once, not less than ten days prior to said hearing, in the official newspaper. After hearing all persons desiring to be heard, the Council may by ordinance deny or grant the franchise on the terms and conditions specified in the resolutions. No ordinance granting a franchise shall be adopted as an emergency ordinance."

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Big Bear Lake does hereby determine, find and resolve as follows:

Section 1. The above recitals are true and correct and are hereby incorporated herein.

Section 2. The City, under and pursuant to Article XI, Section 1103 of the City Charter and Division 3, Chapter 2 of the Public Utilities Code of the State of California, does hereby declare its intent to grant a Franchise Agreement to Southwest Gas Corporation, according to the terms and conditions as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 3. A public hearing on the granting of this proposed franchise agreement shall be held on Monday, September 23, 2019 at 6:30 p.m. in the City Hall Council Chambers at 39707 Big Bear Boulevard in Big Bear Lake, CA, at which time all persons having any objection to the granting of said franchise agreement may appear before this City Council and be heard thereon.

Section 4. For purposes of this franchise agreement, it is proposed that the City Council find that renewal of the franchise agreement with Southwest Gas Corporation does not constitute a "project" for purposes of the California Environmental Quality Act (Pub. Resources Code, § 21000 et. seq.) ("CEQA") and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), and therefore does not require environmental review. Specifically, under State CEQA Guidelines section 15378, "project" does not include administrative activities or government fiscal activities that do not involve any commitment to any specific project which may result in a physical change in the environment. For purposes of this franchise agreement, it is further proposed that the City Council find that even if the renewal constituted a "project" for purposes of CEQA, the project would be exempt from environmental review under State CEQA Guidelines section 15301 (Existing Facilities), 15320 (Organization of Local Agencies), and 15061(b)(3), which exempts projects for which it can be seen with certainty will not result in significant environmental impacts. None of the exceptions found in State CEQA Guidelines section 15300.2 to the use of these

Section 5. Exemptions are present. The City Council hereby directs staff to file a Notice of Exemption with the County Clerk within five working days of the adoption of this resolution.

Section 6. The Mayor is authorized and directed to sign, and the City Clerk shall certify to, the passage and adoption of this resolution.

Section 7. The City Clerk is hereby directed to publish this resolution in its entirety at least once in a newspaper of general circulation in the City not less than ten (10) days prior to the aforementioned public hearing.

Section 8. If any one or more of the terms, provisions, or sections of this resolution shall to any extent be judged invalid, unenforceable, and/or voidable for any reason whatsoever by a court of competent jurisdiction, then each and all of the remaining terms, provisions, and sections of this Resolution shall not be affected thereby and shall be valid and enforceable.

Section 9. This resolution shall become effective upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Big Bear Lake on the 26th day of August 2019.

AYES: Jackowski, Caretto, Herrick, Putz
NOES: None
ABSTAIN: None
EXCUSED: Jahn

Signed: Randall Putz, Mayor

Attest: Erica Stephenson, City Clerk

All persons interested in this matter are hereby invited to appear at the time and place herein specified to voice their opinions relating thereto. Persons unable to attend such hearing may, prior to the conclusion of the public hearing, submit their written statements relating to the matter to the City Clerk at City Hall, 39707 Big Bear Boulevard, Big Bear Lake, California 92315.

If you challenge any of the above proposed actions in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk of the City of Big Bear Lake at, or prior to, the public hearing.



Erica Stephenson
City Clerk, City of Big Bear Lake

Publish Date: Grizzly - September 11