

Proof of Service by Mail

(Code of Civil Procedure § 1013a)

I, Kelley Hancock, declare as follows:

1. I am over 18 years of age and not a party to the matter connected with this proof of service.
2. I am employed by the County of Fresno in the office of the Clerk of the Board of Supervisors, at 2281 Tulare Street, Room 301, in Fresno, California 93721.
3. On October 10, 2025, I served the attached Notice of Public Hearing before the Board of Supervisors of the County of Fresno on the Formation of Underground Utility District No. 74, with a copy of the resolution and ordinance referenced in the notice.
4. I served the documents by enclosing them in an envelope and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelopes were addressed and mailed to each of the owners at their addresses, as shown on the current Fresno County Assessment Roll and on the property list compiled from said rolls, as set forth on the attached.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 10th day of October, 2025, in Fresno, California.



Deputy, Clerk of the Board

The original proof of service, including the list of persons and their addresses to whom notice was mailed, is maintained by Public Works staff.



County of Fresno

BOARD OF SUPERVISORS

Chairman
Buddy Mendes
District Four

Vice Chairman
Garry Bredefeld
District Two

Brian Pacheco
District One

Luis Chavez
District Three

Nathan Magsig
District Five

Bernice E. Seidel
Clerk

NOTICE OF PUBLIC HEARING

Notice of hearing before the Board of Supervisors of the County of Fresno on Formation of Underground Utility District No. 74

Notice is hereby given that the Board of Supervisors of the County of Fresno on **TUESDAY, THE 21ST DAY OF OCTOBER, 2025** at the hour of **9:30 A.M.** (or as soon thereafter as possible), in the **Board of Supervisors Chambers**, Room 301, Hall of Records, 2281 Tulare St., Fresno, California, as the time and place for holding a public hearing on the following matter:

To consider the formation of Underground Utility District No. 74 (UUD 74) in cooperation with Pacific Gas and Electric Company (PG&E), along Minnewawa Avenue, from E. Swift Avenue to approximately 120 feet south of Gettysburg Avenue, for the purpose of undergrounding existing overhead utilities.

You are receiving this notice because you own property adjacent to the proposed UUD 74. The underground conversion will be funded through Rule 20A credits, at no cost to you. The purpose of the project is to improve safety and aesthetics by removing overhead power lines in areas with high congestion and visibility.

On September 9, 2025, the Fresno County Board of Supervisors adopted a Resolution of Intention to consider the formation of UUD 74. A copy of that Resolution is available on request or can be viewed on-line at <http://www.co.fresno.ca.us/departmentspage.aspx?id=55187>.

Notification by the Clerk shall be made by mailing a copy of the Resolution adopted pursuant to Section [15.44.030](#), together with a copy of this Chapter, to affected property owners as such are shown on the last equalized Assessment Roll, and to the affected utilities.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

For information, contact Mohammad Alimi, Department of Public Works and Planning, 2220 Tulare Street, (Corner of Tulare & "M" Streets, 7th Floor), Fresno, CA 93721 by telephone at (559) 600-4505 or by email at malimi@fresnocountyca.gov or, or John Donmyer by telephone at (559) 600-4526, or by email at jdonmyer@fresnocountyca.gov.

The full text of this Public Hearing will be available on the Fresno County website <https://fresnocounty.legistar.com> under the October 21, 2025 meeting at the Agenda Materials link by Wednesday, October 15, 2025.

PROGRAM ACCESSIBILITY AND ACCOMMODATIONS: The Americans with Disabilities Act (ADA) Title II covers the programs, services, activities, and facilities owned or operated by state and local governments like the County of Fresno ("County"). Further, the County promotes equality of opportunity and full participation by all persons, including persons with disabilities. Towards this end, the County works to ensure that it provides meaningful access to people with disabilities to every program, service, benefit, and activity, when viewed in its entirety. Similarly, the County also works to ensure that its operated or owned facilities that are open to the public provide meaningful access to people with disabilities.

To help ensure this meaningful access, the County will reasonably modify policies/ procedures and provide auxiliary aids/services to persons with disabilities. If, as an attendee or participant at the meeting, you need additional

accommodations such as an American Sign Language (ASL) interpreter, an assistive listening device, large print material, electronic materials, Braille materials, or taped materials, please contact the Current Planning staff as soon as possible during office hours at (559) 600-3529, option 4 or ClerkBOS@fresnocountyca.gov. Reasonable requests made at least 48 hours in advance of the meeting will help to ensure accessibility to this meeting. Later requests will be accommodated to the extent reasonably feasible.

NOTES:

- Anyone may testify, please share this notice with your neighbors or anyone you feel may be interested.
- The Board of Supervisors will also accept written testimony such as letters, petitions, and statements. In order to provide adequate review time for the Board of Supervisors, please submit these documents to the Clerk to Board prior to the hearing date.
- If at some later date you challenge the final action on this matter 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 Board of Supervisors at, or prior to, the public hearing.

DATED: October 10, 2025

BERNICE E. SEIDEL
Board of Supervisors

By: , Deputy

Enclosure

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF PROPOSED)	RESOLUTION OF INTENTION
FRESNO COUNTY UNDERGROUND)	TO FORM UNDERGROUND
UTILITY DISTRICT NO. 74)	UTILITY DISTRICT NO. 74
MINNEWAWA AVENUE)	

WHEREAS, Minnewawa Avenue from E. Swift Avenue to 120 feet South of Gettysburg Avenue lies within the County of Fresno; and

WHEREAS, Tarpey Elementary School is located at the intersection of W. Gettysburg Avenue and Minnewawa Avenue in the City of Clovis; and

WHEREAS, Minnewawa Avenue is extensively used by the general public and carries a heavy volume of pedestrian and vehicular traffic; and

WHEREAS, the Minnewawa Avenue meets the definition of an arterial-street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines; and

WHEREAS, there is a heavy concentration of overhead utilities along Minnewawa Avenue from E. Swift Avenue to Gettysburg Avenue; and

WHEREAS, the County of Fresno received credits from Pacific Gas and Electric under the California Public Utilities Commission Rule 20 Program to relocate overhead facilities underground; and

WHEREAS, on April 22, 2014, the Board adopted a Five-Year Plan designating projects to be considered for undergrounding; and

WHEREAS, the undergrounding of the overhead utilities along Minnewawa Avenue from E. Swift Avenue to 120 feet South of Gettysburg Avenue under the Rule 20 Program were included as a backup project in the Five-Year Plan; and

WHEREAS, this Board considers that it may be in the public interest, health, safety and welfare to form an Underground Utility District requiring utility facilities to be relocated or installed underground along Minnewawa Avenue from E. Swift Avenue to 120 feet South of Gettysburg Avenue; and

1 WHEREAS, Fresno County Ordinance Code Section 15.44.030 allows the Board of Supervisors
2 to form an Underground Utility District by resolution; and

3 WHEREAS, in accordance with Fresno County Ordinance Code Section 15.44.020 the Clerk to
4 the Board of Supervisors shall notify all affected property owners, as shown on the last equalized
5 assessment roll, and utilities concerned, by mail, of the time and place of the hearing wherein the
6 resolution forming the Underground Utility District will be heard at least ten days prior to the date thereof.

7 Now, therefore, the Board of Supervisors of Fresno County does hereby find, determine, and
8 resolve as follows:

9
10 **Section 1.** The above recitals are all true and correct.

11 **Section 2.** That it is the intention of this Board to conduct a public hearing to determine the
12 formation of an underground utility district for that area along Minnewawa Avenue from E. Swift Avenue
13 to 120 feet South of Gettysburg Avenue, the boundaries of which are more particularly described in
14 Exhibit "A", attached hereto and incorporated herein by reference.

15 **Section 3.** That a public hearing to consider the formation of said underground utility district
16 is hereby fixed for Tuesday, the 21st. day of October, 2025, at the hour of 9:30 A.M., or as soon thereafter
17 as may be practical at the regular meeting place of the Board of Supervisors, Room 301, Hall of Records,
18 Fresno, California, at which time and place all persons interested shall be given an opportunity to be
19 heard.

20 **Section 4.** That in the event such area or any portion thereof is designated an underground
21 utility district (District), all existing utility poles, overhead wires and associated overhead structures within
22 the District shall be removed and such facilities placed underground, including, those wires and facilities
23 for supplying electrical, communication or similar or associated services; that the exception provisions as
24 set forth in Subsection (c) of Section 15.44.060 of the Fresno County Ordinance Code shall not be
25 applicable; and that all such overhead wires and poles and overhead facilities of the Pacific Gas and
26 Electric Company, a corporation; AT&T, a corporation; and Comcast Cable TV, a corporation, and any
27 other entities utilizing their facilities, shall be placed underground; that it shall be the responsibility of each
28

1 property owner to perform all necessary work to receive the underground utility services within the time
2 to be determined at said public hearing.

3 **Section 5.** That all utility companies shall use the underground conversion
4 allocation computed pursuant to decisions of the Public Utilities Commission of the State of
5 California for the purpose of providing to each premises in Underground Utility District No. 74, a
6 maximum of one hundred feet of individual service, trenching and conductor, as well as backfill,
7 paving and conduit, if required. Each property owner in Underground Utility District No. 74 shall be
8 responsible for the installation and maintenance of the conduit and termination box located on, under
9 or within any structure on the premises served.
10

11 **Section 6.** That the Clerk of this Board shall cause a notice of said hearing to be mailed to all
12 affected property owners as they are shown on the last equalized assessment roll and to the utilities and
13 agency concerned, of the time and place of such hearing not less than ten (10) days prior to the date
14 thereof.

15 **Section 7.** That the Director of the Department of Public Works and Planning is hereby
16 directed to consult with all affected utilities and shall prepare a report for submission at such hearing
17 containing, among other information, the estimate of the extent of the affected utilities' participation and
18 estimate of the time required to complete such underground installation and the removal of any existing
19 overhead utilities.

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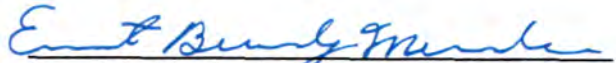
1 **THE FOREGOING RESOLUTION** was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this 9th day of September, 2025, to wit:

3 AYES: Supervisors Bredefeld, Chavez, Magsig, Mendes, Pacheco


4 NOES: None

5 ABSENT: None

6 ABSTAINED: None
7

8
9
10 
11 Ernest Buddy Mendes, Chairman of the Board of
12 Supervisors of the County of Fresno

13 ATTEST:
14 Bernice E. Seidel
15 Clerk of the Board of Supervisors
16 County of Fresno, State of California

17 By 
18 Deputy

19
20 AGENDA # 44

21 RESOLUTION # 25-282
22
23
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COUNTY OF FRESNO UNDERGROUND UTILITY DISTRICT NO. 74

MINNEWAWA AVENUE FROM E. SWIFT AVENUE TO 120 FEET SOUTH OF GETTYSBURG AVENUE

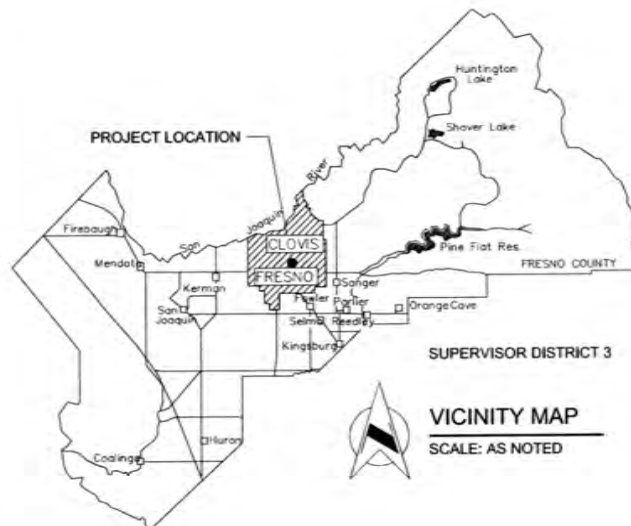
PORTIONS OF SECTION 17 TOWNSHIP 13 SOUTH, RANGE 21 EAST, M.D.B. & M. AND PORTIONS OF SECTION 20 TOWNSHIP 13 SOUTH, RANGE 21 EAST, M.D.B. & M.

BOUNDARY DESCRIPTION
UNDERGROUND UTILITY DISTRICT NO. 74

The Subdivision of the Southeast Quarter of Section 17, Township 13 South, Range 21 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, described as follows:

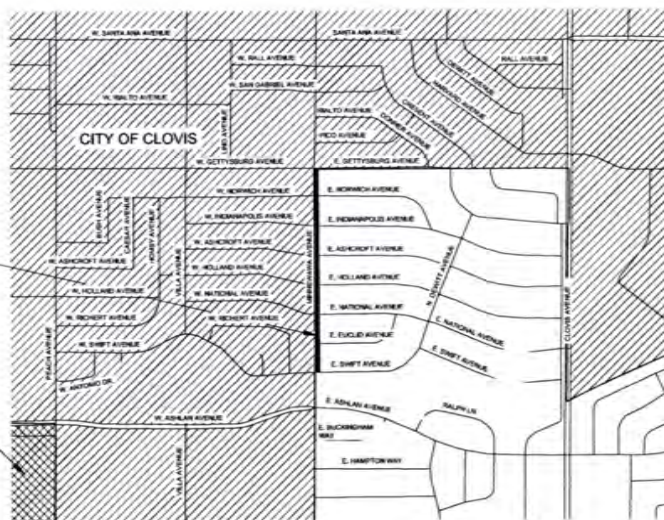
BEGINNING at the Northwest corner of Lot 48 of Tract No. 1112 Tarpey Village according to the map thereof recorded in Book 14, Pages 93 and 94 of Plats, Fresno County Records;

1. THENCE, South 00°33'00" East, a distance of 1910.01 feet, along the West lines of Lot 48, Lot 78, Lot 79, Lot 106, Lot 107, Lot 146, Lot 147, Lot 186 Lot 187, Lot 225, Lot 226, and Lot 238 to the prolongation of the South line of Lot 239 of said Tract No. 1112 Tarpey Village;
2. THENCE, Leaving said West line, South 89°37'00" West on the prolongation of the South line of Lot 239, a distance of 30.00 feet to a point on the West line of said Section 17;
3. THENCE, North 00°33'00" West, a distance of 1910.01 feet along said West line to the prolongation of the North line of lot 48;
4. THENCE, Leaving said West line, North 89°37'00" East, a distance of 30.00 feet on the prolongation of the North line of Lot 48 to the **POINT OF BEGINNING**.



PROJECT SITE
MINNEWAWA AVENUE
FROM E. SWIFT AVENUE TO 120 FT.
SOUTH OF GETTYSBURG AVENUE

CITY OF FRESNO

PROJECT LOCATION MAP
SCALE: AS NOTED

- (1) FILED IN THE OFFICE OF THE CLERK TO THE BOARD OF SUPERVISORS, COUNTY OF FRESNO, STATE OF CALIFORNIA ON THE _____ DAY OF _____ 2025

BERNICE E. SEIDEL
CLERK TO THE BOARD OF SUPERVISORS

BY _____
DEPUTY

- (2) RECORDED ON THE _____ DAY OF _____ 2025 AT THE HOUR OF _____ O'CLOCK IN BOOK NO. _____ PAGES _____ OF THE UNDERGROUND UTILITY DISTRICT MAPS IN THE OFFICE OF THE COUNTY RECORDER, OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA. DOCUMENT NO. _____

PAUL DICTOS, CPA,
COUNTY ASSESSOR-RECORDER
OF THE COUNTY OF FRESNO

BY _____
DEPUTY

- (3) FILED IN THE OFFICE OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND PLANNING, COUNTY OF FRESNO, STATE OF CALIFORNIA ON THE _____ DAY OF _____ 2025

STEVEN E. WHITE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS AND PLANNING

DEPARTMENT OF PUBLIC WORKS AND PLANNING

COUNTY OF FRESNO UNDERGROUND
UTILITY DISTRICT NO. 74
STATE OF CALIFORNIA COUNTY OF FRESNO

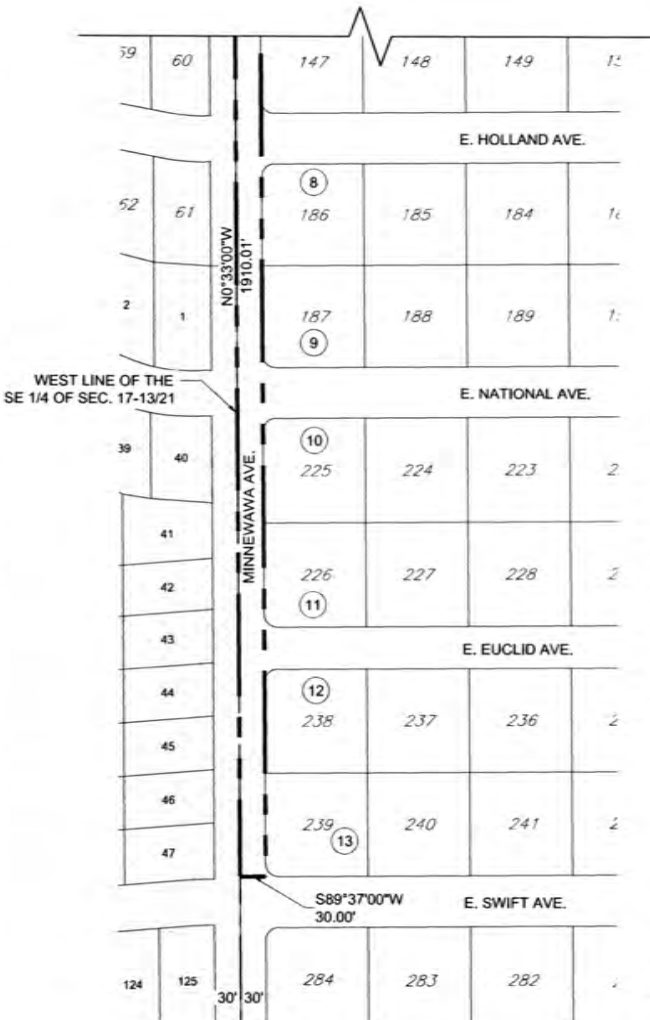
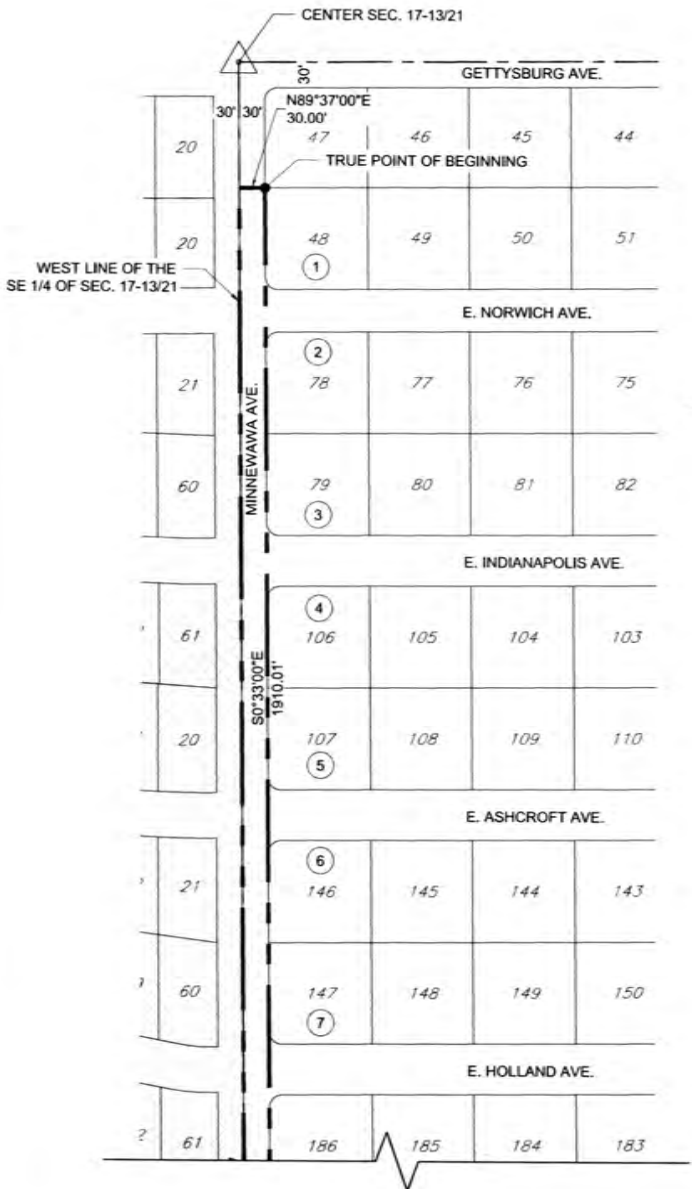
SHEET NO. 1 OF 2 SHEET

DRAWN BY: JD 07/21/25
CHECKED BY: MR 08/04/25

SCALE
NOT TO SCALE



COUNTY OF FRESNO UNDERGROUND UTILITY DISTRICT NO. 74
MINNEWAWA AVENUE FROM E. SWIFT AVENUE TO 120 FEET SOUTH OF GETTYSBURG AVENUE
PORTIONS OF SECTION 17 TOWNSHIP 13 SOUTH, RANGE 21 EAST, M.D.B. & M. AND PORTIONS OF SECTION 20 TOWNSHIP 13 SOUTH, RANGE 21 EAST, M.D.B. & M.



ABBREVIATIONS / LEGEND / SYMBOLS	
	U.U.D. 74 BOUNDARY
	SECTION LINE
	PARCEL LINE
	CITY OF CLOVIS
A.P.N.	ASSESSOR'S PARCEL NUMBER
LOT NO.	LOT NUMBER
U.U.D.	UNDERGROUND UTILITY DISTRICT
#	PROPERTY OWNER LOT NUMBER
#	SUBDIVISION LOT NUMBER

PROPERTY OWNER LEGEND		
LOT#	APN	OWNER(S)
1	499-141-29	MODALLALKAR NOURI & MODALLALKAR SOHEYLA
2	499-142-01	RUSH DEBRA
3	499-142-17	SIMS JOE LAN & ROBIN GRECO
4	499-171-01	GARCIA MARCELA
5	499-171-23	BOYD FAMILY TRUST
6	499-172-01	DONALDSON MIKE & PATRICIA
7	499-172-21	LOVEJOY JOHN A TRUSTEE
8	499-173-01	ROGUSKI JOPSEPH G & DIANE J
9	499-173-19	RIVERA IVAN & MARIA
10	499-211-01	CELAYA DAVID MARK & SANDRA M
11	499-211-12	AGUIRRE LEOPOLDO JR & CAROLINA
12	499-212-01	ESTES TYLER JAMES & EMILY ANN
13	499-212-19	BROWN BARBARA KAY TRUSTEE



BOUNDARY MAP
SCALE: AS NOTED

DEPARTMENT OF PUBLIC WORKS AND PLANNING		
COUNTY OF FRESNO UNDERGROUND UTILITY DISTRICT NO. 74		
STATE OF CALIFORNIA COUNTY OF FRESNO		
SHEET NO. 2 OF 2 SHEET		
DRAWN BY: JD	DATE: 07/21/25	SCALE: 0' 100' 200'
CHECKED BY: MR	08/04/25	

Chapter 15.44 - UNDERGROUND UTILITY DISTRICT

Sections:

15.44.010 - Definitions.

Whenever in this Chapter the words or phrases hereinafter in this Section defined are used, they shall have the respective meanings assigned to them in the following definitions:

- A. "Board" means the Fresno County Board of Supervisors.
- B. "Clerk" means the Clerk of the Fresno County Board of Supervisors.
- C. "Commission" means the Public Utilities Commission of the State of California.
- D. "County" means the County of Fresno.
- E. "Director" means the Fresno County Director of the Department of Public Works and Planning.
- F. "Person" means and includes individuals, firms, corporations, partnerships and their agents and employees.
- G. "Poles, overhead wires and associated overhead structures" means poles, tower supports, wires, conductors, guys, stubs, platforms, cross arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication or similar or associated service.
- H. "Underground utility district" or "district" means that unincorporated area in the County within which poles, overhead wires and associated overhead structures are prohibited as such area is described in a Resolution adopted pursuant to the provisions of Section 15.44.030 of this Chapter.
- I. "Utility" includes all persons or entities supplying, for their own use or the use of others, electric, communication or similar or associated facilities by means of electrical material or devices.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.020 - Public hearing by board.

The board may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the unincorporated area of the county and the underground installation of wires and

facilities for supplying electric, communication or similar or associated service.

Report by Director. Prior to holding such public hearing, the director shall consult all affected utilities and shall prepare a report for submission at such hearing containing, among other information, estimates of the extent of such utilities' participation, and an estimate of the time required to complete such underground installations and the removal of overhead facilities.

The clerk shall notify all affected property owners, as shown on the last equalized assessment roll, and utilities concerned, by mail, of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the board shall be final and conclusive.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.030 - Board may designate underground utility districts by resolution.

If, after any such public hearing, the Board finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Board shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such Resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.031 - Board may consent to formation of underground utility districts by city.

When any Underground Utility District is initiated by a legislative body of a city within the County, and such Underground Utility District includes a portion of the unincorporated area within the County, the Board of Supervisors may, by resolution, consent to the formation of such District.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.040 - Unlawful acts.

Whenever the Board creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 15.44.030 hereof, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such Resolution, except as said overhead facilities may be required to furnish service to an owner/permittee or occupant of property prior to the performance by such owner/permittee or occupant of the underground work necessary for such owner/permittee or occupant to continue to receive utility service as provided in Section 15.44.090 hereof, and for such reasonable time required to remove such facilities after said work has been performed, and except as otherwise provided in this Chapter.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.050 - Exception, emergency or unusual circumstances.

Notwithstanding the provisions of this Chapter, overhead facilities may be installed and maintained for a period not to exceed thirty (30) days, without authority of the Board, in order to provide emergency service. The Board may grant special permission on such terms as the Board may deem appropriate, in cases of unusual circumstances, without public hearing to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.060 - Other exceptions.

This Chapter and any Resolution adopted pursuant to Section 15.44.030 hereof shall, unless otherwise provided in such Resolution, not apply to the following types of facilities:

- A. County facilities or equipment installed under the supervision and to the satisfaction of the Director;
- B. Poles or electroliers used exclusively for street lighting;
- C. Overhead wires (exclusive of supporting) crossing any portion of a District, within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- D.

Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred (34,500) volts;

- E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one (1) location on the building to another location on the same building or to an adjacent building without crossing any public street;
- F. Antennae associated equipment and supporting structures, used by a utility for furnishing communication services;
- G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;
- H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.070 - Notice to property owners and utility companies.

Within ten (10) days after the effective date of a Resolution adopted pursuant to Section 15.44.030 hereof, the Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

Notification by the Clerk shall be made by mailing a copy of the Resolution adopted pursuant to Section 15.44.030, together with a copy of this Chapter, to affected property owners as such are shown on the last equalized Assessment Roll, and to the affected utilities.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.080 - Responsibility of utility companies.

If underground construction is necessary to provide utility service within a District created by any Resolution adopted pursuant to Section 15.44.030 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.090 - Responsibility of property owners.

- A. Every person owning, operating, leasing, occupying or renting a building or structure within a District shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 15.44.080 and the termination facility on or within said building or structure being served, all in accordance with applicable rules, regulations and tariffs on the respective utility or utilities on file with the Commission.
- B. In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of Subparagraph A of this Section within the time provided for in the Resolution enacted pursuant to Section 15.44.030 hereof, the Director shall post written notice on the property being served and thirty (30) days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.
- C. If the action required in Subparagraph A is not accomplished by any person within the time provided for in the Resolution enacted pursuant to Section 15.44.030, the Director, with the consent of the Board, shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the latest equalized County Assessment Roll, or as is known to the Director of the Department of Public Works and Planning, to provide the required underground facilities within ten (10) days after receipt of such notice.
 - 1. The notice to provide the required underground facilities may be given either by personal service or by Certified Mail, return receipt requested. If notice is given by mail to either the owner/permittee or occupant of such premises, the Director shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a form not less than eight inches by ten inches (8" x 10") in size, to be posted in a conspicuous place on the premises.
 - 2. The notice shall particularly specify that work is required to be done, and shall state that if the work is not completed within thirty (30) days after receipt of such notice, the County will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a Lien upon such property.
 - 3. If upon expiration of the thirty-day (30-day) period, the required underground facilities have not been provided, the County, acting through its Director of the Department of Public Works and Planning, shall forthwith proceed to do the work. Upon completion of the work by the Director, he shall file a written report with the Board setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal

description of the property against which such cost is to be assessed. The Board shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises.

4. The Director shall forthwith, upon the time for hearing such protests having been fixed give written notice to the person in possession of such premises and to the owner thereof in the manner provided in Subsection 1 herein.

The notice shall describe the work completed, the legal description of the property, the amount of the proposed assessment, the time and place of the hearing wherein the Board will consider the adoption of the proposed assessment, and a statement that the assessee shall have an opportunity at the time of such hearing to attend and protest the proposed assessment. The hearing shall not be earlier than ten (10) days after the giving of the notice thereof.

5. Upon the date and hour set for the hearing of the protests, the Board shall hear and pass upon the report as provided in Fresno County Ordinance Code, Title 14, Section 14.16.080, Water and Sewage.
6. Within ten (10) days of the confirmation of the assessment by the Board, the assessment shall be payable to the County Treasurer. If all or any portion of the assessment is not paid to the County Treasurer within ten (10) days after its confirmation, the amount of the assessment shall become a Lien upon the property as provided in Fresno County Ordinance Code, Title 14, Section 14.16.090, Special Assessment and Lien.
7. In the event all or any portion of the assessment is not paid within ten (10) days after its confirmation, collection of the assessment may be payable in installments upon adoption of a Resolution therefore according to the procedure described in Section 14.16.100.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.100 - Responsibility of county.

County shall remove at its own expense all County-owned equipment from all poles required to be removed hereunder within a reasonable time to enable the owner or user of such poles to remove the same within the time specified in the Resolution enacted pursuant to Section 15.44.030 hereof.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)

15.44.110 - Extension of time.

In the event that any act required by this Chapter or by a Resolution adopted pursuant to Section 15.44.030 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

(Ord. No. 23-001, § 1(Exh. 2), 2-28-2023; Ord. No. 19-025, § 1(Exh. B), 12-10-2019; Ord. No. 11-005, § 1, 5-24-2011; Ord. 07-049, Exh. A)