

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

IN THE MATTER OF THE GRANTING)	RESOLUTION OF INTENTION AND
OF A NON-EXCLUSIVE FRANCHISE TO)	NOTICE OF PUBLIC PROTEST HEARING
RT DIVERSIFIED, INC)	

WHEREAS, the Director of the Department of Public Works and Planning (the "Director") informed the Board of Supervisors (the "Board") of the County of Fresno (the "County") that RT Diversified, Inc. has submitted a written application requesting a franchise to be granted to construct, maintain and use pipes and appurtenances for transmitting water and wastewater, as allowed by road permit condition, in, along, across, upon, and under public streets and highways within the unincorporated area of Fresno County;

WHEREAS, the Director has recommended to the Board, that the franchise, if granted, shall be granted to RT Diversified, Inc., on a non-exclusive basis, for transmitting derived water and wastewater, as allowed by a County-approved conditional use permit and/or road permit condition, in, along, across, upon, and under approximately 4.8 miles of the following public streets and highways within the unincorporated area of Fresno County to service Clovis Unified School District's Terry Bradley Education Center ("Bradley Center"): from the existing City of Fresno water main at McKinley Avenue, east of Temperance Avenue, eastward on E. McKinley Avenue, and then Northward on N. Leonard Avenue, to Shields Avenue, westward on Shields Avenue to a Shields and Locan terminus where the City is in the process of installing water and sewer mains, and along the streets surrounding the Bradley Center of Leonard, Weldon, Highland, and Princeton Avenues; and

WHEREAS, the Department of Public Works and Planning reports that this application request has been studied and the Director recommends the following:

(1) That the Board declares its intention to grant a franchise, on a non-exclusive basis, to RT Diversified, Inc., ("RTD") to transmit water and wastewater to service the Bradley Center, as provided and recommended above by the Director, for a term of up to twenty-five (25) years.

1 (2) That the franchise is to be granted to RTD, on a non-exclusive basis, in accordance with
2 the provisions of the Franchise Act of 1937 (Public Utilities Code, Sections 6201 et seq.).

3 (3) If the non-exclusive franchise is granted, RTD shall annually, from the date of the granting
4 of the non-exclusive franchise, pay a franchise fee of two percent (2%) (under Public Utilities Code
5 Section 6231) of its gross annual receipts to the County, arising from the use, operation or possession
6 of the non-exclusive franchise each and every year for the life of the non-exclusive franchise, and in
7 the event such payment is not made the non-exclusive franchise will be forfeited. The non-exclusive
8 franchise will be for a term of up to twenty-five (25) years. "Gross annual receipts" means all income
9 received by RTD under operation of the Franchise.

10 (4) That RTD will pay any and all additional fees as required by law.

11 (5) That RTD shall, if granted the non-exclusive franchise, be required to file a bond running
12 to the County of Fresno in the penal sum of One Hundred Thousand Dollars (\$100,000). RTD shall
13 well and truly observe, fulfill, and perform each term and condition of the non-exclusive franchise, and
14 that in case of any breach of condition of the bond the amount of the penal sum therein named shall
15 be recoverable by the County of Fresno.

16 (6) That a public protest hearing be set to consider timely objections, including protests,
17 against the granting of the non-exclusive franchise as provided herein.

18 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors to:

19 (1) Adopt the forgoing recitals as true and correct.

20 (2) Direct the Clerk of the Board to publish notice of the public protest hearing, in the form
21 attached as Exhibit A, hereto, in a newspaper of general circulation within the County, at least once
22 within fifteen (15) days after the passage of the Resolution

23 (3) Set the public protest hearing to consider timely objections, including protests, against
24 granting of the non-exclusive franchise for **9:30 a.m.**, or as soon thereafter as the matter may be
25 heard, on **July 8, 2025**, in the Chambers of the Board of Supervisors, Room 301, Hall of Records,
26 2281 Tulare Street, Fresno, California.

27 ///

28 ///

1 The foregoing was passed and adopted by the following vote of the Board of Supervisors of
2 the County of Fresno this _____ day of _____, 2025, to wit:

3
4 AYES:

5 NOES:

6 ABSENT:

7 ABSTAINED:

8

9

10

Ernest "Buddy" Mendes, Chairman of the Board of
Supervisors of the County of Fresno

12

13

14

15 ATTEST:

16 Bernice E. Seidel
17 Clerk of the Board of Supervisors
County of Fresno, State of California

18

19 By: _____
Deputy

20

21

22

23

24

25

26

27

28

EXHIBIT A

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

Notice of Public Protest Hearing

Notice is hereby given under Public Utilities Code Section 6232 that the Board of Supervisors (the "Board") of the County of Fresno (the "County") will conduct a public protest hearing to receive timely objections, including protests, against granting of a non-exclusive franchise, by ordinance, to RT Diversified, Inc. (also referred to as "RTD") to construct, maintain and use pipes and appurtenances for transmitting water and wastewater to service Clovis Unified School District's Terry Bradley Education Center (the "Bradley Center"), in, along, across, upon, and under approximately 4.8 miles of the following public streets and highways within the unincorporated area of Fresno County: from the existing City of Fresno water main at McKinley Avenue, east of Temperance Avenue, eastward on E. McKinley Avenue, and then Northward on N. Leonard Avenue, to Shields Avenue, westward on Shields Avenue to a Shields and Locan terminus where the City is in the process of installing water and sewer mains, and along the streets surrounding the Bradley Center of Leonard, Weldon, Highland, and Princeton Avenues (collectively, the "Franchise Area").

If the non-exclusive franchise is granted, RTD shall annually pay a franchise fee of two percent (2%) of its gross annual receipts to the County, arising from the use, operation or possession of the franchise, under the Public Utilities Code section 6231, or other legislation applicable to franchisee or water and wastewater enacted by the State of California. In the event such payment is not made, the non-exclusive franchise will be forfeited. The non-exclusive franchise will be for a term of up to twenty-five (25) years from and after the date the ordinance is adopted.

"Gross annual receipts" means all income received through use of the facilities subject to the franchise.

At the public protest hearing, the Board will receive and consider any timely objections, including protests, against granting of the non-exclusive franchise. At any time not later than the

hour set for the hearing of objections, any person interested may make written protest stating objections against the granting of the non-exclusive franchise. The protest shall be signed by the protestant and be delivered to the Clerk of the Board. At the time set for hearing objections, the Board will proceed to hear and pass upon all protests so made and its decision shall be final and conclusive, subject to the right of referendum of the people. If no protest in writing is delivered to the Clerk up to the hour set for hearing, or such protests as are filed have been heard and determined by the Board to be insufficient, or have been overruled or denied, the Board may grant the non-exclusive franchise by ordinance adopted in the manner prescribed by law for the enactment of ordinances by the Board.

The public protest hearing is set to begin at **9:30 a.m.**, or as soon thereafter as the matter may be heard by the Board, at its regularly scheduled meeting on **July 8, 2025**, in the Chambers of the Board of Supervisors, Room 301, Hall of Records, 2281 Tulare Street, Fresno, California.

A copy of the Board agenda materials for the Board's actions on this matter will be made available for public review, commencing on or about the Wednesday immediately before the public protest hearing, at the office of the Clerk to the Board (at the address above), and on the County's Internet web site at <https://fresnocounty.legistar.com/Calendar.aspx>

If you have any questions concerning this notice, please contact Jeffrey Martin, Senior Staff Analyst at jefmartin@fresnocountyca.gov or (559) 600-4509.

Bernice Seidel, Clerk of the Board of Supervisors