

ORDINANCE NO. _____

**AN UNCODIFIED ORDINANCE OF THE CITY OF SAN
JOSE EXTENDING THE TERM OF THE GREAT OAKS
WATER COMPANY NONEXCLUSIVE FRANCHISE UNTIL
JULY 1, 2032, WITH NO CHANGE IN ANY OTHER TERMS
AND CONDITIONS OF THE FRANCHISE**

WHEREAS, GREAT OAKS WATER COMPANY was granted a franchise for the distribution of potable water in the City of San José (“City”) for a term of 20 years beginning June 1, 1995 (“Prior Potable Water Franchise”); and

WHEREAS, on May 5, 2015, the City Council held a public hearing to consider an application from GREAT OAKS WATER COMPANY and to hear all persons desiring to be heard in favor of or in opposition to the renewal of the Prior Potable Water Franchise and granted a further five-year franchise through July 1, 2020; and

WHEREAS, GREAT OAKS WATER COMPANY has submitted an application to the City for renewal of the Prior Potable Water Franchise pursuant to San José Municipal Code Section 15.40.710; and

WHEREAS, on May 18, 2021, the City Council held a public hearing after notice as set forth in San José Municipal Code Section 15.40.320 to consider said application and to hear all persons desiring to be heard in favor of or in opposition to the renewal of the Prior Potable Water Franchise to GREAT OAKS WATER COMPANY; and

WHEREAS, on June 8, 2021, the City Council retroactively extended the Prior Potable Water Franchise until July 1, 2022; and

WHEREAS, prior to the expiration of its Potable Water Franchise, on March 29, 2022, GREAT OAKS WATER COMPANY applied for an additional extension; and

WHEREAS, on May 3, 2022, the City Council held a public hearing after notice as set forth in San José Municipal Code Section 15.40.320 to consider said application and to hear all persons desiring to be heard in favor of or in opposition to the renewal of the Prior Potable Water Franchise to GREAT OAKS WATER COMPANY; and

WHEREAS, having considered all oral and documentary evidence presented on the matter of renewal of such franchise, the City Council has determined that the extension of such franchise to GREAT OAKS WATER COMPANY is in the public interest; and

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code, the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance are a project under CEQA File No. PP17-003 (Agreements/Contracts resulting in no physical changes to the environment); and

WHEREAS, the City Council is the decision-making body for this Ordinance and has reviewed, considered, and upheld the exempt determination prior to taking any action on the Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The City Council hereby renews and extends the Prior Potable Water Franchise granted to GREAT OAKS WATER COMPANY.

SECTION 2. Pursuant to this renewal GREAT OAKS WATER COMPANY is authorized to continue to operate and maintain a potable water retail distribution system, and to

transmit or distribute potable water through pipes and appurtenances located in City streets for such purpose.

SECTION 3. The renewal of said Potable Water Franchise is expressly subject to the terms and conditions of the City Charter, Chapter 15.40 of the San José Municipal Code, this Ordinance, as such now exist or as they may hereafter be amended.

SECTION 4. The Prior Potable Water Franchise granted to GREAT OAKS WATER COMPANY is hereby renewed for a term commencing on July 1, 2022 and ending on July 1, 2032, inclusive.

SECTION 5. Notwithstanding Section 4 of this Ordinance, the Potable Water Franchise may be terminated or suspended at any time in accordance with Section 15.40.610 of Chapter 15.40 of the San José Municipal Code.

SECTION 6. The Potable Water Franchise renewal granted hereby shall be deemed to have been accepted, subject to the terms and conditions set forth in this Ordinance, on the effective date of this Ordinance, by the continued transmission or distribution by GREAT OAKS WATER COMPANY through pipes and appurtenance subject to the prior franchise.

PASSED FOR PUBLICATION OF TITLE this _____ day of _____, 2022, by
the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk