

RESOLUTION NO. 23-073

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS DESIGNATING CERTAIN PORTIONS OF THE COMMUNITY OF CASPAR AS UNDERGROUND UTILITY DISTRICT NUMBER 11 (CASPAR AREA)

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground facilities pursuant to Electric Rule 20A and Telecommunication Rule 32; and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground; and

WHEREAS, Chapter 22.04 of the Mendocino County Code sets forth an enabling procedure for the creation of underground utility districts to provide for the removal of existing overhead utility facilities and the installation of underground facilities therein, to meet the necessities of public health, safety, and welfare; and

WHEREAS, the Mendocino County Department of Transportation has consulted with the Pacific Gas & Electric Company (PG&E) and PG&E has agreed that the proposed underground conversion district, designated Underground Utility District Number 11 (the "District") and more particularly described in Exhibit A attached hereto and incorporated herein by this reference, meets the criteria established by the rules of the CPUC, to wit, that the streets, roads, or rights of way in the District are extensively used by the general public and said area is one of unusual scenic interest to the general public; and

WHEREAS, each year the County of Mendocino is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations; and

WHEREAS, the Director of Transportation for the County has consulted with PG&E and determined that the County has accumulated Rule 20A work credits sufficient to complete the proposed overhead to underground conversion project within the District; and

WHEREAS, the County and PG&E have agreed that PG&E shall be responsible for preparation of the trench profile and composite drawings and that PG&E shall be designated as "trench lead" to manage trenching, installation of substructures, and pavement restoration and such other work; and

WHEREAS, to the extent required, PG&E will prepare easement documents and work with the County to obtain easements or rights of way on private property as may be necessary for installation of utility facilities within the District. If a property owner requests compensation for an easement, the County will negotiate with the property owner and pay for the easement; and

WHEREAS, the Board of Supervisors has now received the report from the Director of Transportation recommending that the area identified in Exhibit A should be designated as an underground utility district within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power and telecommunication services should be removed and replaced with underground wires and facilities; and

WHEREAS, the Department of Transportation provided written notice by mail to all utilities concerned and all affected property owners within the proposed District and invited

same to attend a public hearing to discuss formation of the proposed District; and

WHEREAS, the Board of Supervisors held a noticed public hearing on Tuesday, April 11, 2023, in the Board Chambers of the Mendocino County Administration Center, 501 Low Gap Road, Ukiah, California, pursuant to Section 22.04 of the Mendocino County Code, for the designation of Underground Utility District Number 11 within that certain area of the County of Mendocino described in Exhibit A; and

WHEREAS, evidence concerning the proposed District was duly taken at the hearing of April 11, 2023, pursuant to the provisions of Chapter 22.04 of the Mendocino County Code; and

WHEREAS, pursuant to Rule 20A, PG&E funds may, at the request of the governing body, pay from Rule 20A funds the installation of each customer's underground electric service lateral occasioned by the undergrounding, as well the conversion of electric service panels to accept underground service; and

WHEREAS, the use of said Rule 20A funds will relieve the property owners within to the new District from incurring expenses for lateral service installations and panel conversions but said funds can not be used for any upgrades to the property owners' service, including upgrading panels to meet current electrical code requirements; and

WHEREAS, possible unacceptable levels of soil contamination may be present where a portion of the underground utility trenching will take place; and

WHEREAS, the County would be responsible if soil contamination were discovered within the underground utility district utility trench during underground utility construction; and

WHEREAS, the County would coordinate the cleanup with the property owners who caused such soil contamination; and

WHEREAS, the Director of Transportation recommends proceeding with potentially required soil cleanup during the process of undergrounding the utility lines within the District, which work is projected to occur sometime after the summer of 2028.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Mendocino County as follows:

1. The foregoing recitals are true and correct.
2. The Board of Supervisors finds that proper notice was given of the aforesaid hearing and that such hearing has been duly and regularly held, and that all interested persons have been given an opportunity to be heard.
3. The above-described property (set forth in Exhibit A) is declared an underground utility district to be designated as Underground Utility District Number 11 of the County of Mendocino, with a map delineating the boundaries of said District being attached hereto as Exhibit B and incorporated herein by reference.
4. The Board of Supervisors finds that public necessity, health, safety, and welfare requires the removal of all poles, overhead wires, and associated overhead structures within the District and the underground installation of wires and facilities for supplying all electric, communication and similar or associated service. The underground utility district thus created is in the general public interest for the following reasons: The streets, roads, or rights of way in the District are extensively used by the general public and said area is one of unusual scenic interest

to the general public.

5. The Board of Supervisors does hereby set June 30, 2030, as the estimated date on which affected property owners must be ready to receive underground service, and thereafter shall maintain the underground supporting structures on their property to furnish service, and does hereby order the removal of all poles, overhead wires, and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or similar associated service within Underground Utility District 11 on or before said date of December 31, 2031.

6. The Board of Supervisors authorizes and requests the use of PG&E Company Rule 20A funds to fund service lateral installations and conversions of all individual property overhead electrical panels to underground panels.

7. The Board of Supervisors authorizes County representatives to offer financial surety for and to coordinate soil remediation and reimbursement issues related to possible underground petroleum product contamination.

8. The Board of Supervisors authorizes County staff to coordinate and acquire required utility easements, as required, from affected property owners within the District.

9. The Mendocino County Board of Supervisors hereby instructs the Mendocino County Department of Transportation to notify all affected utilities and all persons owning real property within the District of the adoption of this Resolution within ten (10) days after the date of such adoption. The Mendocino County Department of Transportation shall further notify said property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or other such similar or associated service, they or such occupant shall, by the date determined in this Resolution 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 applicable rules, regulations, and tariffs of the respective utility or utilities on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this Resolution, together with a copy of said Chapter 22.04 of the Mendocino County Code, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

10. PG&E shall act as the lead agency and lead utility, and shall commence work on the District and that when the project is complete and ready for conversion from overhead to underground utility facilities, all affected property owners shall be notified by mail at least ten (10) days in advance of the schedule for conversion of all utility service lines, at which point, PG&E is authorized to discontinue overhead services within the District;

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11. PG&E shall use the underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises in Underground Utility District Number 11 with individual electric or communications service trenching and conductor (as well as backfill, paving, and conduit, if required), and conversion of existing termination box for underground service, as described in filed tariffs.

NOW THEREFORE, BE IT FURTHER RESOLVED, that this Board of Supervisors finds this project is a Class 2 project categorically exempt from CEQA.

The foregoing Resolution introduced by Supervisor Gjerde, seconded by Supervisor Williams, and carried this 11th day of April, 2023, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

GLENN MCGOURTY, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy