



Legislation Details (With Board Report)

File #: RES 13-014 **Name:** RES Extend Franchise Agmt Cal-Am Water Co
Type: BoS Resolution **Status:** Passed
File created: 1/22/2013 **In control:** Board of Supervisors
On agenda: 2/5/2013 **Final action:** 2/5/2013

Title: Adopt a Resolution extending the term date of the Franchise Agreement with California American Water Company (formerly known as California Water & Telephone Company, a corporation) pursuant to Ordinance No. 1278 subject to the same terms and conditions, for a period of twelve (12) months from February 11, 2013 through February 10, 2014.

Sponsors: Public Works / RMA

Indexes:

Code sections:

Attachments: 1. Resolution, 2. 1963 Ordinance No. 1278, 3. 2012 Letter from California American Water, 4. Location Map, 5. Completed Board Order

Date	Ver.	Action By	Action	Result
2/5/2013	1	Board of Supervisors	adopted	Pass

Adopt a Resolution extending the term date of the Franchise Agreement with California American Water Company (formerly known as California Water & Telephone Company, a corporation) pursuant to Ordinance No. 1278 subject to the same terms and conditions, for a period of twelve (12) months from February 11, 2013 through February 10, 2014.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution extending the term date of the Franchise Agreement with California American Water Company (formerly known as California Water & Telephone Company, a corporation) pursuant to Ordinance No. 1278 subject to the same terms and conditions, for a period of twelve (12) months from February 11, 2013 through February 10, 2014.

SUMMARY:

On February 11, 1963, the Board of Supervisors adopted Ordinance No. 1278, under which California Water & Telephone Company, a corporation was authorized to install and thereafter maintain, replace, and use underground water pipelines and appurtenances for the distribution of water to the public for any and all purposes in so many and in such parts of the public highways, roads, streets, and ways within the unincorporated territory of the County of Monterey, other than in locations where the grantee has a prior right by grant, as the grantee may from time to time elect to use for a period of fifty (50) years specified to be from February 11, 1963 through February 10, 2013.

The nonexclusive franchise granted by Ordinance No. 1278 is set to expire on February 10, 2013 and the Grantee, California American Water Company (formerly known as California Water & Telephone Company, a corporation) desires to renew their franchise and continue operating and maintaining these underground pipelines and its appurtenances for a period of fifty (50) years. The Grantee has agreed to the twelve (12) months extension recommended by County staff.

DISCUSSION:

California Water & Telephone Company, a corporation (Grantee), was authorized to install and thereafter maintain, replace, and use underground water pipelines and appurtenances for the distribution of water to the public within the unincorporated territory of Monterey County. The Grantee has requested renewal of their existing Franchise Agreement (Agreement) with the County. Staff recommends an extension of the existing Agreement under the current terms for a period of twelve (12) months which is specified to be from February 11, 2013 through February 10, 2014, to allow adequate time for thorough review of the terms and conditions of this long-term Agreement. The Agreement allows the Franchisee to install and thereafter maintain, replace, and use underground water pipelines and appurtenances for the distribution of water to the public for any and all purposes in so many and in such parts of the public highways, roads, streets, and ways within the unincorporated territory of the County of Monterey. The terms and conditions of the Agreement are set forth in the Ordinance No. 1278. Staff will return to the Board for consideration of a fifty (50) year renewal.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the extension of the term date of the Agreement for California American Water Company (formerly known as California Water & Telephone Company, a corporation) as to form.

FINANCING:

There is no financial impact to the General Fund. Fees will continue to be collected annually and deposited in the General Fund (Fund 001, Department 1050, Unit 841, Revenue Code 4270) in accordance with the terms and conditions of the Agreement.

Prepared by: Saba Engineer, M.S., P.E., Senior Civil Engineer, (831)755-4940

Approved by:

Robert K. Murdoch, P.E. Director of Public Works

Benny J. Young, RMA Director

Dated: January 25, 2013

Attachments: Resolution; 1963 Ordinance No. 1278; 2012 Letter from California American Water; Location Map