



## Legislation Details (With Board Report)

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**File #:** A 15-093      **Name:** Moss Landing Area Rule 20A & 20B  
**Type:** BoS Agreement      **Status:** Passed  
**File created:** 4/24/2015      **In control:** Board of Supervisors  
**On agenda:** 5/12/2015      **Final action:** 5/12/2015  
**Title:** Adopt Resolution to extend the time to complete the Moss Landing Area Rule 20A and 20B Underground Utility District No. 14 in the Community of Moss Landing from June 2015 to June 2020.  
**Sponsors:** Public Works / RMA  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Board Report, 2. Resolution, 3. Location Map, 4. Completed Board Order & Resolution

Date	Ver.	Action By	Action	Result
5/12/2015	1	Board of Supervisors	approved	Pass

Adopt Resolution to extend the time to complete the Moss Landing Area Rule 20A and 20B Underground Utility District No. 14 in the Community of Moss Landing from June 2015 to June 2020.

### RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to extend the time to complete the Moss Landing Area Rule 20A and 20B Underground Utility District No. 14 in the Community of Moss Landing from June 2015 to June 2020.

### SUMMARY:

Completion of the required pre-construction activities has been delayed beyond the dates prescribed in the resolution creating the Moss Landing Rule 20A and 20AB Underground Utility District. The recommended action will extend the time allowed to complete the design and construction of the two projects.

### DISCUSSION:

On June 7, 2005, the Board of Supervisors adopted Resolution No. 05-120 creating the Moss Landing Area Rule 20A and 20B Underground Utility District in the Community of Moss Landing finding that the county road in the District was used extensively by the General Public and the road carried a heavy volume of vehicular traffic. The Resolution set forth a May 2010 date of completion for the utility undergrounding design, construction and removal of existing poles and overhead wires. On July 26, 2011, the Board of Supervisors adopted Resolution No. 11-271 extending the time of completion to June 2015.

The Rule 20A project is presently scheduled to begin construction approximately August 1, 2015, and be complete by June 30, 2016.

The design process for the undergrounding project has included work that is beyond the control of Monterey County, particularly the acquisition of public utility easements (PUE) on ten private properties abutting the project area for the installation of surface-mounted electrical transformers to replace those currently mounted on poles in the public right-of-way. (Installation of the transformers in underground vaults was determined to be infeasible because of the high groundwater, and location of the transformer pads in the public right-of-way is not feasible because of the rights-of-way are too narrow).

In accordance with Monterey County Code Section 14.08.120, staff recommends that the County extend the final completion date for the underground project from June 2015 to June 2020 to ensure the timely conversion of service.

### OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved the Resolution as to form. The Resource Management Agency-Public Works is working

closely with AT&T, PG&E, Charter Communications, Comcast, and Moss Landing Marine Laboratories to obtain accurate schedule and milestone information for their work to be incorporated into the project's overall schedule. The involved utility companies, AT&T, PG&E, Charter Communications, and Comcast concur with extending the project completion date.

FINANCING:

There is no financial impact to the General Fund, or to the Funding Agreement between Duke Energy Moss Landing, LLC and the Moss Landing Chamber of Commerce dated March 23, 2001, as assigned from the Chamber to the County of Monterey on September 24, 2002, and amended August 24, 2004.

For the Rule 20A project, the cost of the undergrounding project will be funded by the utilities involved, and non-eligible costs for County staff project administration, environmental clearance and mitigation, acquisition of PUEs, and rental of property for the temporary contractor's staging yard will be borne by the Moss Landing Deposit Account in the Road Fund (Fund 002, Account 2686) funded by Duke Energy/Dynegy. These costs have totaled \$274,300 to date, and are estimated to total \$463,000 by project completion, leaving a funding requirement of \$188,700 to complete the project.

For the Rule 20B project, total cost of the project, including design, construction, and payment of utility companies' costs will be funded by the Moss Landing Deposit Account in the Road Fund (Fund 002, Account 2686) funded by Duke Energy/Dynegy. These costs have totaled \$212,500 to date, and are estimated to total \$1,750,000 by project completion, leaving a funding requirement of \$1,537,500 to complete the project.

The current balance of the Moss Landing Deposit Account is \$1,246,057. After fully funding the Rule 20A project, approximately \$1,057,357 will remain available for other projects. The funding agreement with Duke Energy/Dynegy provides for funds to accrue to the Moss Landing Deposit Account at the rate of \$100,000 per year. After completion of the Rule 20A project by June 2016, there will not be sufficient funding from Duke Energy/Dynegy to fund the two remaining projects - the Rule 20B Underground Utility project on Pieri Court and the reconstruction of Moss Landing and Sandholdt Roads. Therefore, a prioritization will need to be determined in cooperation with the Moss Landing Chamber of Commerce as to which project should be implemented next. If the Rule 20B project is selected, there will be sufficient funding available in approximately five years. If the road projects are selected, there will never be enough funding available from the Duke Energy/Dynegy agreement to complete the Rule 20B project.

Since the Rule 20A project will be completed in about a year, the extension of five years is being requested in case Rule 20B is selected as the next priority. If that does not happen, future extensions will be needed as other funding sources are sought to fund the Rule 20B project.

Prepared by: G.H. Nichols, P.E., Special Projects Engineer, 831-755-5386

Approved by: Robert K. Murdoch, P.E., Director of Public Works

Approved by: Carl P. Holm, AICP, Acting RMA Director

Dated: May 1, 2015

Attachments: Resolution; Location Map (attachments on file with the Clerk of the Board)