



Monterey County

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Board Order

Resolution No.: 13-273

Upon motion of Supervisor Potter, seconded by Supervisor Parker and carried by those members present, the Board of Supervisors hereby:

- a. Conducted a public hearing to consider formation of the Carmel Valley Area Rule 20A Underground Utility District No. 15;
- b. Adopted Resolution No. 13-273 to create the Carmel Valley Area Rule 20A Underground Utility District No. 15; and
- c. Directed the Clerk of the Board to notify by mail all affected property owners and utilities in the Carmel Valley Area Rule 20A Underground Utility District No. 15 within ten (10) days of the effective date of said Resolution with said Notice to include a copy of said Resolution and Chapter 14.08 of Title 14 of the Monterey County Code (MCC).

PASSED AND ADOPTED on this 30th day of July 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on July 30, 2013.

Dated: July 31, 2013
File Number: RES 13-055

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 13-273

- a. Conduct a public hearing to consider approving the)
formation of the Carmel Valley Area Rule 20A)
Underground Utility District No. 15;)
- b. Adopt a Resolution to create the Carmel Valley Area)
Rule 20A Underground Utility District No. 15; and)
- c. Direct the Clerk of the Board to notify by mail all)
affected property owners and utilities in the Carmel)
Valley Area Rule 20A Underground Utility District)
No. 15 within ten (10) days of the effective date of said)
Resolution with said Notice to include a copy of said)
Resolution and Chapter 14.08 of Title 14 of the)
Monterey County Code (MCC).....)

BE IT RESOLVED by the Board of Supervisors of the County of Monterey as follows:

WHEREAS, in accordance with the Monterey County Code (MCC) Title 14, Chapter 14.08, Section 14.08.020 et. seq. a public hearing was conducted on July 30, 2013, at the hour of 1:30 a.m. in the Board of Supervisors Chambers, Salinas, California, to ascertain whether public necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated overhead structures, and the installation of underground wires and facilities for supplying electricity, communications, or similar or associated services within the area described in Attachment "A", attached hereto and made a part hereof; and

WHEREAS, such hearing has been duly and regularly held, and all persons interested have been given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Monterey hereby finds and determines that the public necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated structures, to be replaced by new underground installation of wires and facilities for supplying electricity, communications, or similar or associated services which necessitates the creation of Underground Utility District (UUD) No. 15.

IT IS FURTHER RESOLVED THAT all poles, overhead wires and associated overhead structures shall be removed and underground utility installations shall be made in UUD No. 15 within the following times:

- a. Underground installation by utility companies and reconnection no later than December 2020.
- b. Removal of poles, overhead wires, and other associated overhead structures no later than May 2021.

RESOLVED, FURTHER, that the Clerk of the Board shall mail a copy of this Resolution, together with a copy of MCC Chapter 14.08 to all affected utilities and all persons owning real property within the UUD within 10 days of the adoption of this Resolution creating UUD No. 15.

RESOLVED, FURTHER, that the Board of Supervisors hereby finds as follows:

The Underground Utility District herein created is in the general public interest for the following reason:

“The County road in the District is extensively used by the general public and carries a heavy volume of vehicular traffic.”

DECISION

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors, does hereby:

- a. Approve the formation of the Carmel Valley Area Rule 20A Underground Utility District (UUD) No. 15 pursuant to the Monterey County Code (MCC) Chapter 14.08; and
- b. Create the Carmel Valley Area Rule 20A Underground Utility District No. 15 as described in Attachment “A” (Undergrounding District Boundary) attached hereto and incorporated by this reference; and directs that all poles, overhead wires and associated overhead structures shall be removed and underground utility installations shall be made in said UUD No. 15 within the following times:
 1. Underground installation by utility companies and reconnection no later than December 2020.
 2. Removal of poles, overhead wires, and other associated overhead structures no later than May 2021.
- c. Direct the Clerk of the Board to notify by mail all affected utilities (Attachment B) and property owners (Attachment D) in the newly created Carmel Valley Area Rule 20A UUD No. 15 within ten (10) days of the adoption of this Resolution. Said notice shall include a copy of this Resolution, which is effective as of the date of adoption, together with a copy of MCC Chapter 14.08.

PASSED AND ADOPTED upon motion of Supervisor Potter seconded by Supervisor Parker and carried this 30th day of July 2013, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno Salinas, Parker and Potter
NOES: None
ABSENT: None


I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 76 for the meeting on July 30, 2013.

Dated: July 31, 2013
File Number: RES 13-055

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

Attachment A

Carmel Valley Road Utility Undergrounding Project	Phase 3
Garland Regional Park to Pilot Road	
	
0 500 1,000 Feet	
Map Produced: 11/13/2012, RMA	

— Proposed Undergrounding District Boundary

Beginning Phase 3

End Phase 3

Park Boundary

Garland Ranch
Regional Park

Oak Meadow Ln

Marion Rd

Laurel Grove

Pinefree Ln

Carmel Valley Rd

Rancho Rd

Bosomberg

Country Club Dr

Laurel Dr

Panama Rd

Toron Way

Ford Rd

Pilot Rd

Garland Regional Park

Attachment C

Director's Report

Carmel Valley Area Rule 20A Underground Utility District No. 15

The proposed Rule 20A underground district is along Carmel Valley Road and is comprised of the land parcels fronting Carmel Valley Road between Pilot Road and Miramonte Road (see Attachment A). As estimated by PG&E, the cost to underground the utilities along this 3.1 mile section of Carmel Valley road is approximately \$7.4 million. The current balance of the Rule 20A Allocation fund is \$8,712,311. The allocation increased by approximately \$400,000 in 2013 and it is reasonable to expect a similar increase in future years. The estimated cost includes all the trenching and electrical panel conversion costs. Based on staff conversations with PG&E, ATT and Comcast representatives, there will be no additional costs to the individual property owners, provided that their respective property lies within the proposed district boundaries and they are current customers of the respective utility. The list of the affected utility companies is included in Attachment B. The current list of all affected property owners within the proposed district boundaries, as shown on the last equalized assessment roll, is included in Attachment D.

The design and construction of the proposed Rule 20A Project shall be under the control of PG&E. Based on discussions with PG&E, the typical project takes five (5) to seven (7) years to complete.

Attachment E


**NOTICE OF PUBLIC HEARING
REGARDING FORMATION OF CARMEL VALLEY AREA
RULE 20A UNDERGROUND UTILITY DISTRICT NO. 15**

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Monterey will hold a **Public Hearing** on **Tuesday, July 30, 2013, at 1:30 p.m.**, regarding the formation of Carmel Valley Area Rule 20A Underground Utility District No. 15 in Carmel Valley along Carmel Valley Road between Garland Road Regional Park and Pilot Road.

NOTICE IS FURTHER GIVEN that the public hearing will be conducted in the **Board of Supervisors Chambers, County of Monterey, Government Center, 168 West Alisal Street, 1st Floor, Salinas, California, 93901**, at which time and place any and all interested persons may appear and be heard thereon.

A complete description of the proposed district is available for review at the Resource Management Agency - Public Works, 168 West Alisal Street, 2nd Floor, Salinas, California 93901. All interested persons may attend and present evidence at said public hearing.

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By 
, Deputy

IF YOU CHALLENGE THIS MATTER IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS PUBLIC NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE APPROPRIATE AUTHORITY AT OR BEFORE THE PUBLIC HEARING.

FOR ADDITIONAL INFORMATION CONTACT:

Enrique M. Saavedra, P.E., Senior Civil Engineer
Resource Management Agency – Public Works
168 West Alisal Street, 2nd Floor, Salinas, CA 93901
(831) 755-8970 or saavedraem@co.monterey.ca.us

ATTACHMENT F- MCC Chapter 14.08

Chapter 14.08 UNDERGROUND UTILITY DISTRICTS

Sections:

- 14.08.010 Definitions.
- 14.08.020 Public hearing—Determination of need—Procedure.
- 14.08.030 Public hearing—Report by Director.
- 14.08.040 Designation of area.
- 14.08.050 Maintenance of overhead facilities declared unlawful.
- 14.08.060 Exceptions—Emergency service.
- 14.08.070 Exceptions—Certain facilities exempt.
- 14.08.080 Notice to property owners and utility companies.
- 14.08.090 Responsibility of utility companies.
- 14.08.100 Responsibility of County.
- 14.08.110 Responsibility of property owners.
- 14.08.120 Extension of time.
- 14.08.130 Penalty for violation.

14.08.010 Definitions.

Whenever in this Chapter the words or phrases defined in this Section are used, they shall have the respective meanings assigned to them in the following definitions:

- A. "Board" means the County Board of Supervisors.
- B. "Clerk" means the Clerk of the County Board of Supervisors.
- C. "Commission" means the Public Utilities Commission of the State of California.
- D. "County" means the County of Monterey.
- E. "Director" means the Monterey County Surveyor.
- F. "Person" means and includes individuals, firms, corporations, partnerships, and their agents and employees.
- G. "Poles, overhead wires and associated overhead structures" mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above-ground within a district and used or useful in supplying electric, communication or similar or associated service.
- H. "Underground utility district" or "district" means that unincorporated area in the County within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 14.08.040
- I. "Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

(Ord. 1640 § 1, 1968)

14.08.020 Public hearing—Determination of need—Procedure.

- A. The Board may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the unincorporated area of the County and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service.
- B. The Clerk shall notify all affected property owners, as shown on the last equalized assessment roll, and utilities concerned, by mail, of the time and place of such hearings at least ten (10) days prior to the date thereof.
- C. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing, all persons interested shall be given an opportunity to be heard.
- D. The decision of the Board shall be final and conclusive.

(Ord. 1640 § 2(a), 1968)

14.08.030 Public hearing—Report by Director.

Prior to holding the public hearing provided for in Section 14.08.020, the Director shall consult all affected utilities and shall prepare a report for submission at the hearing containing, among other information, the extent of such utilities participation and estimates of the total costs to the County and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities.

(Ord. 1640 § 2(b), 1968)

14.08.040 Designation of area.

If, after any public hearing as provided in Sections 14.08.020 and 14.08.030, the Board finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Board shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

(Ord. 1640 § 3, 1968)

14.08.050 Maintenance of overhead facilities declared unlawful.

Whenever the Board creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein, as provided in Section 14.08.020, it shall be unlawful for any person or utility to erect, construct, place, keep,

maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 14.08.110, and for such reasonable time required to remove the facilities after said work has been performed, and except as otherwise provided in this Chapter.

(Ord. 1640 § 4, 1968)

14.08.060 Exceptions—Emergency service.

Notwithstanding the provisions of this Chapter, overhead facilities may be installed and maintained for a period, not to exceed thirty (30) days, without authority of the Board in order to provide emergency service. The Board may grant special permission on such terms as the Board may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

(Ord. 1640 § 5, 1968)

14.08.070 Exceptions—Certain facilities exempt.

This Chapter and any resolution adopted pursuant to Section 14.08.040 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

- A. County facilities or equipment installed under the supervision and to the satisfaction of the Director;
- B. Poles, or electroliers used exclusively for street lighting;
- C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited; or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred (34,500) volts;
- E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
- F. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services;
- G. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts;
- H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

(Ord. 1640 § 6, 1968)

14.08.080 Notice to property owners and utility companies.

A. Within ten (10) days after the effective date of a resolution adopted pursuant to Section 14.08.040, the Clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. The Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall 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 the applicable rules, regulations, and tariffs of the respective utility or utilities on file with the commission.

B. Notification by the Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 14.08.040, together with a copy of the ordinance codified in this Chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

(Ord. 1640 § 7, 1968)

14.08.090 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 14.08.040, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

(Ord. 1640 § 8, 1968)

14.08.100 Responsibility of County.

The County shall remove at its own expense all County-owned equipment from all poles required to be removed under this Chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 14.08.040.

(Ord. 1640 § 10, 1968)

14.08.110 Responsibility of property owners.

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his or her property between the facilities referred to in Section 14.08.090 and the termination facility on or within said building or structure being served all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 14.08.040, the Director shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten (10) days after receipt of such notice.

B. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owners name appears, and must be addressed to such owners last known address as the same appears on the last equalized assessment. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the Director shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten (10) inches in size, to be posted in a conspicuous place on said premises.

C. The notice given by the Director to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the Director will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

D. If upon the expiration of the thirty (30) day period, the required underground facilities have not been provided, the Director shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the Director may in lieu of providing the required underground facilities, authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the Director, he or she shall file a written report with the Board setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Board shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter.

E. The Director shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner provided in this Chapter for the giving of the notice to provide the required underground facilities, of the time and place that the Board will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

F. Upon the date and hour set for the hearing of protests, the Board shall hear and consider the report and all protests, if there are any, and then proceed to affirm, modify or reject the assessment.

G. If any assessment is not paid within five days after its confirmation by the Board, the amount of the Assessment shall become a lien upon the property against which the assessment is made by the Director, and the Director is directed to turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and the assessor and tax collector shall add the amount of the assessment to the next regular bill for taxes levied against premises upon which said assessment was not

paid. The assessment shall be due and payable at the same time as the property taxes are due and payable, and if not paid when due and payable, shall bear interest a rate of six percent per year.

(Ord. 1640 § 9, 1968)

14.08.120 Extension of time.

In the event that any act required by this Chapter or by a resolution adopted pursuant to Section 14.08.040 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

(Ord. 1640 § 11, 1968)

14.08.130 Penalty for violation.

Repealed.

(Ord. 3659 § 8, 1993)