



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

PUBLIC HEARING TO ADOPT A RESOLUTION TO ESTABLISH THE RED DOG ROAD UNDERGROUND UTILITIES DISTRICT - DISTRICT 1

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20A; 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, the County of Nevada, has adopted Ordinances 1796 and 2237, authorizing the Board of Supervisors to designate, by Resolution, areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, Nevada County Code 2.14.010 grants the Board of Supervisors authority to establish Special Districts by Resolution; and

WHEREAS, Underground Utility Districts are considered Special Districts pursuant to Nevada County Code 2.14.070; and

WHEREAS, the Director of Public Works for the County of Nevada has consulted with the affected public utilities and such utilities have agreed that the proposed underground conversion district, designated Red Dog Road Underground Utilities District, and more particularly, the Legal Description and Boundary Map (attachments 2 and 3) and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit:

That such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities; and

That the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic; and

That the street or road or right-of-way is an arterial street or major collector as defined by the California Road System functional classification system; and

WHEREAS, the Director of Public Works for County of Nevada has consulted with PG&E and determined that the County has accumulated Rule 20A work credits sufficient to complete first phase of the proposed overhead to underground conversion project; and

WHEREAS, the County of Nevada and the affected utilities understand 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, the County of Nevada has agreed to provide documentation of existing easements or rights of way on private property as may be necessary for installation of utility facilities in a form satisfactory to the affected utilities; and

WHEREAS, the Board of Supervisors of the County of Nevada has now received the Legal Description and Boundary Map area to 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, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, the County of Nevada has notified all affected property owners within the proposed Red Dog Road Underground Utilities District and invited same to attend a public hearing to discuss formation of the proposed district; and

WHEREAS, the Board of Supervisors of the County of Nevada held public hearings at which time the Board did receive and consider the recommendation of the Director of Public Works, and did hear all objections or protests that were raised by the owners of property, within the above-described district, pertaining to designating this area an underground utility district; and

WHEREAS, the Director of Public Works may make any final modifications to the Legal Description and Boundary Map as described in Attachments 2 and 3 as necessary.

NOW, THEREFORE, BE IT RESOLVED, the BOARD OF SUPERVISORS of the COUNTY of NEVADA:

1. Adopts the Resolution to establish the Red Dog Road Underground Utilities District – District I, in accordance with the CPUC Electric Rule 20A, and the Nevada County Code, as outlined below and shown on the Red Dog Road Underground Utilities District Legal Description and Boundary Map (attachments 2 and 3):
 - a. The public interest requires the removal of all existing utility poles, overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Attachment 2, attached hereto, with such area being designated as the Red Dog Road Underground Utilities District; and
 - b. That the utility companies, cable television services, and other affected services shall commence work to accomplish installation of underground facility installation in Red Dog Road Underground Utilities District and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines; and
 - c. The electric utility shall use the underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises requiring it in Red Dog Road Underground Utilities District a maximum of one hundred feet of individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) and each other serving utility shall provide service trenching and conductor in accordance with its rules and tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the County of Nevada; and
 - d. The electric utility shall use said underground conversion allowance allocation, up to a maximum amount of \$1,500 per service entrance excluding permit fees, for the conversion of electric service panels to accept underground service in the Red Dog Road Underground

Utilities District. The electric utility shall be the lead for electric service panel conversions to accept underground services. The electric utility will be responsible for any work up to and including the meter. Each property owner in the Red Dog Road Underground Utilities District shall be responsible for any and all costs for upgrading or relocation of meter panels not covered by the electric utility and for the installation and maintenance of the conduit and termination box located on, under or within any structure on the premises served; and

- e. That upon notification as specified in item ‘b’ above, all property owners in Red Dog Road Underground Utilities District shall have underground electrical entrance facilities installed and inspected pursuant to the County of Nevada Electrical Code within sixty (60) days and that should any property owner fail to install satisfactory underground electrical entrance facilities by the date specified in the notice, the electric utility shall notify the Director of Public Works who shall, within thirty (30) days direct the electric utility in writing to discontinue electrical service to the property, without recourse, pursuant to Rule 11 until electrical entrance facilities are ready to accept underground electrical conductors and have passed the necessary inspection requirements; and
- f. That once all services have been converted from overhead to underground, the utility companies, cable television services, and other affected services shall remove all poles (except as specified above) and associated overhead facilities in Red Dog Road Underground Utilities District, by January 1, 2033.