TOWN OF PARADISE
RESOLUTION NO.16-76

RESOLUTION (1) DECLARING AND DETERMINING A CERTAIN AREA WITH THE TOWN AS AN UNDERGROUND DISTRICT ALMOND (UNDERGROUND DISTRICT 16-2), AND (2) FINDING AND DETERMINING THAT PUBLIC NECESSITY, HEALTH OR SAFETY REQUIRE THE REMOVAL OF POLES, OVERHEAD WIRES, AND ASSOCIATED STRUCTURES, AND ORDERING REMOVAL OF SAME (ALMOND UNDERGROUND DISTRICT 16-2).

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 20 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, the Town of Paradise has adopted Ordinance No. 156 authorizing the Town Council to designate 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, the Director of Public Works for the Town of Paradise has consulted with the affected public utilities and such utilities have agreed that the proposed underground conversion district, designated the Almond Underground District 16-2 and more particularly described in Exhibit "A" attached hereto 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

WHEREAS, each year the Town of Paradise is notified by Pacific Gas and Electric (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 Public Works for Town of Paradise has consulted with PG&E and the Director of Public Works for Butte County, and they have agreed that the Town may borrow against accumulated Butte County Rule 20A work credits sufficient to complete the proposed overhead to underground conversion project.

WHEREAS, the Town of Paradise and the affected utilities have agreed by letter that each utility shall complete the engineering of their respective portion of Almond Underground District 16-2 overhead to underground utility conversion, and

WHEREAS, the Town of Paradise and the affected utilities have agreed by letter 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 the Director of Public Works of the Town of Paradise and the affected utilities have agreed on a work schedule which meets their respective capabilities and further agreed to waive any administrative fees, costs or special street restoration requirements for purposes of this project, and

WHEREAS, to the extent required, the Town of Paradise has agreed to provide 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 Town Council of the Town of Paradise has now received the report from the Director of Public Works 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, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, upon the recommendation of the Director of Public Works, the Town Council of the Town of Paradise has determined that the proposed Almond Underground District 16-2 is categorically exempt from environmental review pursuant to the CEQA Guidelines section 15302(d), and

WHEREAS, the Town of Paradise has notified all affected property owners within the proposed Almond Underground District 16-2 and inviting same to attend a public hearing to discuss formation of the proposed district, and

WHEREAS, on November 7, 2016, the Town Council of the Town of Paradise held a public hearing at which time the Council did receive and consider the recommendation of the Director of Public Works and did hear any and 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;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Paradise as follows:

Section 1. The public interest requires the removal of all existing utility poles [excepting those poles supporting streetlights and traffic signals], 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 Exhibit "A", attached hereto, with such area being designated as the Almond Underground District 16-2, and

Section 2. That the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in Almond Underground District 16-2 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

Section 3. 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 requiring it in Almond Underground District 16-2 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 Town of Paradise, and

Section 4. PG&E shall use such underground conversion allowance allocation, up to a maximum amount of $1500 per service entrance excluding permit fees, for the conversion of electric service panels to accept underground service in the Almond Underground District 16-2, and

Section 5. That upon notification as specified in Section 2, all property owners in Almond Underground District 16-2 shall have underground electrical entrance facilities installed and inspected pursuant to the Town of Paradise 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

Section 6. 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 Almond Underground District 16-2, by July 31, 2019.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 7th day of November, 2016, by the following vote:

AYES:	Greg Bolin, Steve "Woody" Culleton, Scott Lotter, John J. Rawlings and Jody Jones, Mayor
NOES:	None
ABSENT:	None
ABSTAIN:	None

By: [redacted]
Jody Jones, Mayor

ATTEST: November 8, 2016
[redacted]
Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:
[redacted]
Dwight L. Moore, Town Attorney