



AGENDA ADDENDUM

BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

**Regular Meeting
November 12, 2013**

Mono County Courthouse
Bridgeport, CA 93517

REGULAR AGENDA

PUBLIC WORKS

9e)

**10 minutes
(5 minutes
presentation,
5 minutes
discussion)**

Southern California Edison – Encroachment Permit Deposit Waiver Request (Jeff Walters) –

Recommended action: Consider request from Southern California Edison (SCE) to waive the encroachment permit deposit for a blanket permit. Provide any desired direction to staff.

Fiscal Impact: If the encroachment permit deposit fee is waived, the \$500 deposit would not be required.



MONO COUNTY DEPARTMENT OF PUBLIC WORKS

POST OFFICE BOX 457 • 74 NORTH SCHOOL STREET • BRIDGEPORT, CALIFORNIA 93517
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Date: November 12, 2013
To: Honorable Chair and Members of the Board of Supervisors
From: Jeff Walters, Acting Public Works Director
Subject: Southern California Edison – Encroachment Permit Deposit Waiver Request

Recommended Action:

Consider request from Southern California Edison (SCE) to waive the encroachment permit deposit for a blanket permit. Provide any desired direction to staff.

Fiscal Impact:

If the encroachment permit deposit fee is waived, the \$500 deposit would not be required.

Background:

This is a request from SCE to have Mono County waive the encroachment permit deposit fee for a blanket permit regarding emergency electrical utility repairs on all county roads.

This particular emergency repair is located at 27 Forest Road in June Lake and requires the road to be cut to access a failed service line. SCE wants to perform the work prior to winter snowfall so that adequate repairs to the road can be made.

Mono County Code 13.04.050 “Blanket Permits” states the following: A city, public corporation, political subdivision or special district may, at the discretion of the road commissioner, be issued a blanket permit, renewable annually, for the installation of service connections and for ordinary maintenance of its facilities located or installed in county highways, but this permit may be revoked at the discretion of the road commissioner if the permittee fails to comply with the terms of this chapter and of such permit.

Mono County currently charges \$528 for an encroachment permit and \$500 as a deposit pursuant to Mono County Code 13.04.070.

If you have any questions regarding this item, please contact Jeff Walters at 932-5459 or jwalters@mono.ca.gov.

Respectfully submitted,

Jeff Walters
Acting Public Works Director

Encl: Exhibit 1 – SCE Encroachment Permit Deposit Fee Waiver Request



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Evan Nikirk, PE
Director

Kelly Garcia, PE
Assistant Director

ENCROACHMENT PERMIT APPLICATION APPLICATION REQUESTING AUTHORIZATION TO PERFORM WORK WITHIN A COUNTY RIGHT-OF-WAY OR COUNTY ROAD

A project description, site plan, application fee, and security deposit must accompany this application to initiate project review (make check payable to "County of Mono"). Depending upon project scope, additional information may be required to complete the application. All improvements must be consistent with Mono County standards.

The undersigned hereby applies for an encroachment permit to perform the following activities within a County right-of-way or County road (attach additional sheets if necessary):

Blanket Permit for Emergency Repairs and Maintenance in the County Road System.

Project Location & Information:

Street Address: _____ Town: _____

Assessor's Parcel No.: _____ Estimated Construction Cost: _____

Property Owner:

Name: _____ Home Phone: _____

Address: _____ Work Phone: _____

Fax Number: _____

The Applicant is responsible for obtaining all other necessary permits or approvals related to the proposed activity, including a Grading Permit from the Mono County Department of Public Works (if applicable) and permits that may be required by the Department of Fish and Game, the Regional Water Quality Control Board, and the Great Basin Unified Air Pollution Control District. If granted an encroachment permit for the proposed work, the Permittee, for himself, his contractors and employees, agrees to save, indemnify, and hold harmless the County or its representatives from all liabilities and claims for damage to property from any cause whatsoever while in, upon, or in any way connected with the work covered by the encroachment permit, and does further agree to defend Mono County in any claim arising out of, or as a result of, the work.

Owner Signature: [Signature] Date: 11/5/13

-----Space below reserved for Public Works use only-----

Received: Site Plan Project Description Fee & Deposit Assigned Project No.: **EP** _____



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To Whom It May Concern:

Southern California Edison ("SCE") as a Franchise Utility (Ordinance No. 410) has a unique relationship with Mono County when compared to other non-franchise utilities and developers. Mono County Public Works has requested a \$500 deposit in addition to a \$528 Encroachment fee from SCE related to SCE's emergency repair of a failed service line to 27 Forest in June Lake. SCE believes the deposit of \$500 should not be needed based on the fact that SCE guarantees its work, and at any time, if requested would make further repairs to the street cut in question. SCE believes the request of a deposit potentially violate SCE's franchise rights within the County. Please see the Public Utilities Code sections 6295 and 6296 of the "Franchise Act 1937" below that should alleviate any requirement for deposit.

"6295. The grantee shall pay to the municipality on demand the cost of all repairs to public property made necessary by any of the operations of the grantee under the franchise.

6296. The grantee shall indemnify and hold harmless the Municipality and its officers from all liability for damages proximately resulting from any operations under the franchise."

Further in the Mono County Encroachment Permit General Provisions

#18 Bonding states "Surety is not ordinarily required of any public corporation of a publicly- or privately-owned utility, but will be required of any utility that fails to meet any obligation arising out of the work permitted or done under permit or fails to maintain its plant, work, or facilities."

Thank you for your attention to this matter. In the interim, please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Daniel Brady
Local Government Affairs Manager SCE
Daniel.Brady@sce.com
760-709-1146