



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 6/6/2017
Agenda Placement: 9E
Set Time: 9:40 AM PUBLIC HEARING
Estimated Report Time: 5 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Steven Lederer - Director of Public Works
Roads Department
REPORT BY: STEPHEN STANGLAND, Public Works Superintendent - (707)944-0196
SUBJECT: Ordinance to eliminate utility exemption in encroachment permits

RECOMMENDATION

First reading and intention to adopt an ordinance to eliminate the current code provision that public utilities are exempt from encroachment permits.

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

EXECUTIVE SUMMARY

In the process of moving to a paperless online encroachment permit system, Public Works staff notes that under the current ordinance, public utility companies are exempt from obtaining encroachment permits. Current practice is that the utilities do in fact obtain permits, but we have not been charging for the permits due to the ordinance. Staff would like to rectify this by changing the ordinance to eliminate this exemption.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Roads Budget will receive some additional revenues. This past fiscal year staff processed 406 encroachment permits. Of this number, 201 were issued to utility companies which would equate to \$86,878 in fees. This ordinance will ensure this revenue continues, plus new revenue from any utility work that is not currently obtaining permits. If the ordinance were not to be changed, the

	revenue we are currently receiving would stop.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Encroachment permits are authorized under the California Streets and Highways Code. Napa County Code Chapter 12.04 ensures that the Department of Public Works has the legal authority to protect the County's investment in its infrastructure by ensuring that all work done inside the right of way meets county standards and is safe for the traveling public, via the issuance of encroachment permits. This ordinance change will allow the County to recover its costs for processing these permits for utility companies.
Is the general fund affected?	No
Future fiscal impact:	If approved, this additional revenue will be included in future Roads budgets.
Consequences if not approved:	Staff will continue to issue encroachment permits as they have in the past.
Additional Information:	

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

Chapter 12.04 of the Napa County Code establishes the process and requirements for the Roads Division of the Department of Public Works to process applications for encroachment permits. These are required for any excavation, alteration, construction or other specified activities within the right-of-way of the County-maintained road system. The provision for issuing encroachment permits ensures that staff has the legal authority to protect the County's investment in its infrastructure by ensuring that all work done inside the right of way meets county standards and is safe for the traveling public.

Recently, staff has undertaken an initiative to improve the process for receiving and processing applications for encroachment permits. The goals are to reduce response time for customers and to eliminate or reduce paper. In the process of moving to a paperless online encroachment permit system, staff reviewed the existing ordinance provisions to ensure that the proposed streamlining activities would be consistent with state and local requirements. During this review, staff noted that under the current ordinance adopted in 1993, public utility companies have been exempt from obtaining encroachment permits.

Staff would like to rectify this by changing the ordinance to eliminate this exemption. The office practice that has developed over the years is that the utility companies are obtaining permits, as this is consistent with the requirements of other local public agencies. However, due to the exemption provision in the ordinance, the County has not been able to recover processing costs for these permits -- essentially, the exemption is applying only to the Department's ability to collect the permit fee. A significant proportion of the encroachment permits processed each year are for utility work and this permit fee exemption represents a significant amount of "lost" revenue in the Roads budget.

SUPPORTING DOCUMENTS

- A . Ordinance - clean
- B . Ordinance - track changes

CEO Recommendation: Approve

Reviewed By: Bret Prebula