

FORM APPROVED COUNTY COUNSEL 8/26/15
 BY: GREGORY P. PRIAMOS DATE

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

945



SUBMITTAL DATE:
 August 19, 2015

FROM: Executive Office

SUBJECT: Adoption of Ordinance No. 553.1: an Urgent Ordinance Amendment of the County of Riverside Temporarily Extending Ordinance No. 553 Granting a Franchise to the Southern California Gas Company (formerly held by the Pacific Lighting Service Company). All Districts; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors adopt Ordinance No. 553.1, an urgent ordinance amendment temporarily extending Ordinance No. 553 to allow completion of new franchise negotiations with Southern California Gas Company no later than January 12, 2016.

BACKGROUND:

Summary

On August 19, 1975, the County Board of Supervisors adopted Ordinance No. 553, granting Pacific Lighting Service Company the right, privilege and franchise to transmit gas and essentially operate in the County for a period of 40 years. In 1985, the county recognized the merger of Pacific Lighting Service Company into the Southern California Gas Company. All terms remained the same.

Continued on the next page.

Tina Grande

TINA GRANDE
 Principal Management Analyst

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS: Budget Adjustment: No
 For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY: *Debra Cournoyer*
 Debra Cournoyer

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- Positions Added
- Change Order
- A-30
- 4/5 Vote

Prev. Agn. Ref.: 6.2 8/19/1975 | District: ALL | Agenda Number:

3-34

**SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Adoption of Ordinance No. 553.1: an Urgent Ordinance Amendment of the County of
Riverside Temporarily Extending Ordinance No. 553 Granting a Franchise to the Southern California
Gas Company (formerly held by the Pacific Lighting Service Company). All Districts**

DATE: August 19, 2015

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

On February 10, 2014, the formal negotiations began between the County and the Gas Company. The County team is comprised of staff from Purchasing, Clerk of the Board, Transportation Land Management Agency, County Counsel, Executive Office, and outside counsel. Unfortunately, the parties were not able to reach an agreement on all outstanding terms before the franchise expired.

The proposed urgent ordinance amendment extends the current franchise until January 12, 2016. The ordinance amendment requires the County and Gas Company teams to meet at least once a month until a new final franchise agreement is drafted and fully agreed to by both parties.

The request for adoption of this urgent ordinance amendment is made pursuant to Government Code Sections 25123, 25131, which allow the ordinance amendment to be granted without typical notice requirements (if necessary) and without any waiting period for implementation following adoption.

The ordinance has been reviewed and approved as to form by County Counsel. A 4/5th vote is required by Government Code Sections 25123, 25131.

Impact on Residents and Businesses

The Board of Supervisor's action today allows both the County and the Gas Company to continue to provide uninterrupted service with confidence to the residents and businesses of the County, while continuing to negotiate terms of a new franchise.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

Ordinance No. 553.1

1 ORDINANCE NO. 553.1

2
3 AN URGENT ORDINANCE AMENDMENT OF THE COUNTY OF RIVERSIDE
4 EXTENDING ORDINANCE NO. 553 GRANTING A FRANCHISE TO SOUTHERN CALIFORNIA
5 GAS COMPANY (FORMERLY HELD BY PACIFIC LIGHTING SERVICE COMPANY)
6

7 The Board of Supervisors of the County of Riverside, State of California, ordains as
8 follows:

9 Section 1. This urgent ordinance amendment extends Ordinance No. 553 as follows:

10 “This franchise is now held by the Southern California Gas Company
11 (“SCGC”).

12 The 40-year franchise term stated in Section 1, which expired on or about
13 August 19, 2015, shall be extended through January 12, 2016. The franchise shall be
14 deemed to have been in continuous effect from its initial adoption through January 12,
15 2016.

16 Representatives of the County of Riverside (“County”) and SCGC have
17 been working to discuss and resolve issues involved in granting a new franchise to
18 SCGC; but more time is needed to complete the process. Therefore, it is necessary to
19 extend the current franchise through January 12, 2016 to assure SCGC continues to
20 operate under the terms of this ordinance.

21 In order to complete final negotiations and obtain County Board of
22 Supervisors approval no later than January 12, 2016, County and SCGC representatives
23 shall meet on at least a monthly basis at the County Administrative Center until the final
24 new franchise agreement is drafted and fully agreed upon by the representatives.”

25 Section 2. The Board of Supervisors finds that this ordinance amendment is urgently
26 needed for the immediate preservation of the public peace, health, or safety; namely, the need for the
27 SCGC franchise and related necessary service to citizens and businesses to continue in effect until the
28 new franchise agreement is approved.

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Section 3. All other terms of Ordinance No. 553 shall remain unchanged and in effect.

Section 4. This ordinance amendment is hereby declared to be an urgency measure and shall take effect immediately upon its adoption.

BOARD OF SUPERVISORS OF THE COUNTY
OF RIVERSIDE, STATE OF CALIFORNIA

By: _____
Chairman

ATTEST:

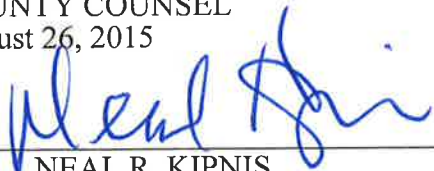
KECIA HARPER-IHEM
Clerk of the Board

By: _____
Deputy

(SEAL)

APPROVED AS TO FORM:

COUNTY COUNSEL
August 26, 2015

By: _____
NEAL R. KIPNIS,
Deputy County Counsel