

Legislation Details (With Text)

File #: 22-667 **Version:** 1

Type: Resolution **Status:** Passed

File created: 11/8/2022 **In control:** Board of County Commissioners Business Meeting

On agenda: 11/22/2022 **Final action:** 11/22/2022

Title: C19-24 Utility Relocation Policy

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Summary Report, 2. 2021 Utility Relocation Policy, 3. Revised 2022 Utility Relocation Policy, 4. Draft Motions, 5. Resolution

Date	Ver.	Action By	Action	Result
11/22/2022	1	Board of County Commissioners Business Meeting	adopted	Pass

To: Board of County Commissioners

Through: Bryan Weimer, PWLF, Director, Public Works & Development

Prepared By:
Daniel Wiseheart, PE, CIP Project Manager

Presenter: Daniel Wiseheart, PE, CIP Project Manager

Subject:
C19-24 Utility Relocation Policy

Purpose and Request:

Following the 2021 adoption of the Utility Relocation Policy, and direction from the Board of County Commissioners (BOCC), staff from Public Works and Development (PWD) have evaluated the policy for 1 year and now present updates to the policy to the BOCC for review and adoption.

PWD Staff presented updates and recommendations to the BOCC on October 4, 2022. The BOCC requested that PWD also present at a general business meeting.

Background and Discussion: In 2020 and 2021, a draft of the revised policy was circulated internally for review and comment to staff within PWD, and then externally for additional review and comments to Utility Providers, contractors, and other local jurisdictions. Comments from 2021 were received from 9 PWD staff members and from 4 external sources: Cherry Creek Valley Water and San, MCI/Verizon, Xcel Energy, and East Cherry Creek Valley Water and San. Both sets of review comments were discussed, and appropriate revisions made, as needed. The final draft of the Policy was then sent to the Director of PWD and Arapahoe County Attorney's Office for final review. All comments have been addressed and final edits have been made. Presented here within is the final policy document for BOCC review and adoption. Since the 2021 adoption, the policy has not been exercised as it relates to the cost sharing of utility relocations. However, PWD Staff

have been working on supporting documents, accompanying SOP, and minor edits to the policy. PWD Staff feel that the creation and maintenance of such documents is an iterative process, and the first iteration of such is hereby presented to the Board.

Alternatives: Alternative #1: Adopt revised Policy, requiring 100% of relocation costs to be borne by Utility Providers, aligning with most local jurisdiction relocation policies.

Alternative #2: Do not adopt revised Policy and continue using Policy adopted in 2021, requiring the County to pay for 50% of utility relocation costs for wet utilities.

Fiscal Impact: Under the 2021 Policy, the County is responsible for 50% of utility relocation costs for water and sanitary utilities. It was determined that within the prior 20-years Policy 87-5 has cost the County upwards of \$1M for utility relocations.

The revised policy presented for readoption will require water and sanitary district utility providers to bear 100% of utility relocation costs. It should be noted that in some instances, federal or state funding may require the County to fund a portion of relocation costs.

PWD anticipates evaluating the effectiveness of this policy on an annual basis.

Alignment with Strategic Plan:

- ☒ Be fiscally sustainable
- ☒ Provide essential and mandated service
- ☒ Be community focused

Concurrence: PWD staff, including the Director of PWD, has reviewed the policy and recommend adopting the revised Policy, requiring utility providers to pay 100% of relocation costs for wet utilities.

The Arapahoe County Attorney's Office has reviewed the policy.

Resolution: Attached.