
BRENT P. COLLINSON, ATTORNEY AT LAW

DATE: 11/24/2015
TO: BOARD OF DIRECTORS, TRUCKEE TAHOE AIRPORT
DISTRICT
FROM: BRENT P. COLLINSON
RE: UPDATE ON LIBERTY UTILITIES EASEMENT

Dear Board—When this matter was last on the Agenda for the July 22 Board Meeting, one Director was absent and one had a conflict of interest preventing them from voting. The matter was therefore continued and is now on the Agenda for the November/December meeting.

My July 15 memo is attached to this memo; this memo is intended to update the Board on the status of Liberty Utilities' request/demand for the wider easement.

The construction of the upgraded/expanded line on Waddle Ranch has been completed within the existing 25' easement. However, they still request the additional 15' easement for a total width of 40'. This request is made to ease their limitations when working to maintain or repair the new line. Additionally, and importantly, they want this additional area to better protect the new line from trees and branches, which was apparently the cause of this summer's Butte Fire in Amador and Colusa Counties. PG&E, the operator of those lines, has been sued for property damage, fire suppression costs and wrongful death as a result of their allegedly deficient clearing of their lines. Criminal prosecution is also being considered.

The Land Trust has approved amending the existing Conservation Easement (CE) and granting the additional 15' of easement. Although County Counsel for Placer County was in agreement and recommending that Placer County approve the Amendment to Conservation Easement, he has not yet confirmed to me that his Board has approved it.

My only suggestion is that since we are awaiting approval from Placer County, the Agreement for Acquisition and the actual Grant of Easement be subject to receiving Placer County's approval of the Agreement to Amend Conservation Easement.

Therefore, it is recommended that this Board:

1. Approve the Agreement to Approve the Conservation Easement;
2. Approve the Agreement for Acquisition of [Utility] Easement (subject to Placer County approval); and
3. Authorize execution of the Grant of Easement (subject to Placer County approval).

If a tree or branch were to cause a wildland fire, it is probable that Liberty Utilities would be sued based on the same theories as now being used in the litigation against PG&E. In that event, I would expect that Liberty Utilities would then cross-complain against the District for indemnification.

Because the upgraded line has already been installed and to avoid the potential exposure to the District in the event a wildland fire was caused by a nearby tree or branch, it continues to be my recommendation that the above three items be approved, as noted .

As always, if you have questions or comments, please let me know, or we can discuss it at the December 2 Board Meeting.

BPC