

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Resolution on , 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution No. 2021/[---]

IN THE MATTER OF a resolution of the Board of Supervisors of the County of Contra Costa authorizing the granting of a Pipeline Franchise to Martinez Pipeline Company LLC.

The Board of Supervisors of the County of Contra Costa finds and declares:

WHEREAS, on August 13, 2013, this Board adopted Ordinance No. 2013-19 (establishing regulations for granting pipeline franchises in County rights-of-way), which became effective September 12, 2013; and Resolution No. 2013/305 (establishing pipeline franchise fee amounts).

WHEREAS, on November 8, 2016, this Board adopted Resolution No. 2016/619 granting a pipeline franchise for four pipelines to Equilon Enterprises LLC on November 8, 2016.

WHEREAS on June 11, 2019, Equilon Enterprises LLC transferred certain of its assets to PBF Holding Company LLC, including its rights in three of the pipelines in the 2016/619 Franchise, pursuant to a Bill of Sale, Assignment and Assumption Agreement dated February 1, 2020, between Equilon Enterprises LLC and PBF Holding Company LLC.

WHEREAS on February 1, 2020, PBF Holding Company LLC transferred the three pipelines to its subsidiary Martinez Pipeline Company LLC, pursuant to a Bill of Sale, Assignment and Assumption Agreement dated February 1, 2020, between PBF Holding Company LLC and Martinez Pipeline Company LLC.

WHEREAS, Martinez Pipeline Company LLC has filed a written application with the County, dated September 2, 2020, wherein it has requested the granting of a pipeline franchise pursuant to the terms and conditions of County Ordinance No. 2013-19 and County Resolution No. 2013/305.

WHEREAS, Martinez Pipeline Company LLC has identified the following three pipelines, which it owns and will be covered under the proposed pipeline franchise as:

1. Martinez Pipeline – 4 inch diameter, 620 feet nitrogen gas.
2. Martinez Pipeline – 5 inch diameter, 9,441 feet nitrogen gas.
3. Martinez Pipeline – 6 inch diameter, 7,377 feet nitrogen gas.

WHEREAS, the County has reviewed the application as well as relevant documents, staff reports and recommendation and it is the intent of the Board to grant a pipeline franchise to Martinez Pipeline Company LLC pursuant to Ordinance 2013-19 and Resolution 2013/305.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board of Supervisors of Contra Costa County finds and declares that the foregoing recitals are true and correct.
2. Pursuant to Ordinance No. 2013-19, a franchise to operate a four inch diameter nitrogen gas pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 620 feet (Martinez Pipeline) is hereby granted to Martinez Pipeline Company LLC, for a term of 10 years.
3. Pursuant to Ordinance No. 2013-19, a franchise to operate a five inch diameter nitrogen gas pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 9,441 feet (Martinez Pipeline) is hereby granted to Martinez Pipeline Company LLC, for a term of 10 years.
4. Pursuant to Ordinance No. 2013-19, a franchise to operate a six inch diameter nitrogen gas pipeline bisecting the County from south to north and east to west and crossing various County rights of way for a lineal distance of approximately 7,377 feet (Martinez Pipeline) is hereby granted to Martinez Pipeline Company LLC, for a term of 10 years.
5. The general location of the pipelines is depicted on the maps attached hereto as Exhibit 1.
6. The annual franchise payment to be paid pursuant to County Resolution 2013/305 shall be calculated at the rate of \$1.77 per cubic foot of pipeline within the County right-of-way. The number of cubic feet of pipeline subject to the franchise fee rate will be calculated by taking the area of the inside diameter of the pipeline plus 1” and multiplying it by the length of the pipeline within the County right-of-way. A minimum diameter of 6 inches will be used for these calculations. The annual franchise fee rate of \$1.77 per cubic foot will be increased annually by the change in the Consumer Price Index, all Urban Consumers for the San Francisco-Oakland-San Jose Area (1982-84 = 100), with December 2012 (239.53) as the base CPI month.
7. The Director of Public Works, or his designee, is authorized to administer the pipeline franchise granted pursuant to this resolution.
8. The Resolution shall take effect upon the following:

Within 30 days of the date of this Resolution, Martinez Pipeline Company LLC must file with the Public Works Department the following: (1) a written acceptance of the terms and conditions of the franchise granted pursuant to this Resolution, Ordinance No. 2013-19, and Resolution No. 2013/305; (2) a performance bond in the form approved by the Board; insurance coverage as required by Ordinance 2013-19.