

# THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 06/09/2015 by the following vote:

AYE: ☒ 4 John Gioia  
 Candace Andersen  
 Mary N. Piepho  
 Karen Mitchoff

NO: ☐

ABSENT: ☒ 1 Federal D. Glover

ABSTAIN: ☐

RECUSE: ☐



## Resolution No. 2015/168

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 CPN Pipeline Company. 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, CPN Pipeline Company has filed a written application with the County, dated December 4, 2013, 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, CPN Pipeline Company has identified six pipelines to be covered under the proposed pipeline franchise as:

1. Brentwood East Pipeline – 10 inch diameter, 1,635 feet natural gas.
2. Brentwood West Pipeline – 10 inch diameter, 3,065 feet natural gas.
3. Marsh Creek 2 Lateral – 8 inch diameter, 1,723 feet natural gas.
4. Sellers Avenue Lateral – 8 inch diameter, 10,392 feet natural gas.
5. Stenzel Lateral – 4 inch diameter, 6,895 feet natural gas.
6. Taylor Slough No. 2, 4 inch diameter, 843 feet natural gas.

WHEREAS, the natural gas pipelines to be covered under the pipeline franchise were covered under previous County pipeline franchises that have expired. 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 CPN Pipeline Company 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 10 inch diameter natural gas pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 1,635 feet (Brentwood East Pipeline) is hereby granted to CPN Pipeline Company, a Delaware corporation, for a term of 10 years.
3. Pursuant to Ordinance No. 2013-19, a franchise to operate a 10 inch diameter natural gas pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,065 feet (Brentwood West Pipeline) is hereby granted to CPN Pipeline Company, a Delaware corporation, for a term of 10 years.
4. Pursuant to Ordinance No. 2013-19, a franchise to operate an 8 inch diameter natural gas pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 1,723 feet (Marsh Creek 2 Lateral) is hereby granted to CPN Pipeline Company, a Delaware corporation, for a term of 10 years.
5. Pursuant to Ordinance No. 2013-19, a franchise to operate an 8 inch diameter natural gas pipeline bisecting the County from north to south and crossing various County rights of way for a lineal distance of approximately 10,392 feet (Sellers Avenue Lateral) is hereby granted to CPN Pipeline Company, a Delaware corporation, for a term of 10 years.
6. Pursuant to Ordinance No. 2013-19, a franchise to operate a 4 inch diameter natural gas pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 6,895 feet (Stenzel Lateral) is hereby granted to CPN Pipeline Company, a Delaware corporation, for a term of 10 years.
7. Pursuant to Ordinance No. 2013-19, a franchise to operate a 4 inch diameter natural gas pipeline bisecting the County from north to south and crossing various County rights of way for a lineal distance of approximately 843 feet (Taylor Slough No. 2) is hereby granted to CPN Pipeline Company, a Delaware corporation, for a term of 10 years.

8. The general location of the pipelines is depicted on the maps attached hereto as Exhibit 1.
9. 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 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. 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.
10. The Director of Public Works, or her designee, is authorized to administer the pipeline franchise granted pursuant to this resolution.
11. The Resolution shall take effect upon the following: Within 30 days of the date of this Resolution, CPN Pipeline Company 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.

Contact: Carrie Ricci, (925) 313-2235

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 9, 2015

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

cc: