

# THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 12/13/2016 by the following vote:

AYE: ☒ 5 **John Gioia**  
**Candace Andersen**  
**Mary N. Piepho**  
**Karen Mitchoff**  
**Federal D. Glover**

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



## Resolution No. 2016/670

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 Plains Products Terminals 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, Plains Products Terminals LLC has filed a written application with the County, dated February 3, 2014, 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, Plains Products Terminals LLC has identified four pipelines to be covered under the proposed pipeline franchise as:

1. Line 191 – 12 inch diameter, 3,351 feet Gasoline,
2. PG&E Connection to Martinez Terminal – 6 inch diameter, 3,523 feet Natural Gas,
3. Line 929 – 12 inch diameter, 3,523 feet Petroleum,
4. Line 930– 16 inch diameter, 3,523 feet Petroleum,

WHEREAS, the 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 Plains Products Terminals 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 12-inch diameter gasoline pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,351 feet (Line 191) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
3. Pursuant to Ordinance No. 2013-19, a franchise to operate a 6-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 3,523 feet (PG&E Connection to Martinez Terminal) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
4. Pursuant to Ordinance No. 2013-19, a franchise to operate a 12-inch diameter petroleum pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,523 feet (Line 929) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
5. Pursuant to Ordinance No. 2013-19, a franchise to operate a 16-inch diameter petroleum pipeline bisecting the County from east to west and crossing various County rights of way for a lineal distance of approximately 3,523 feet (Line 930) is hereby granted to Plains Products Terminals LLC, for a term of 10 years.
6. The general location of the pipelines is depicted on the map attached hereto as Exhibit 1.
7. 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. 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.

8. The Director of Public Works, or her designee, is authorized to administer the pipeline franchise granted pursuant to this resolution.

9. The Resolution shall take effect upon the following:

Within 30 days of the date of this Resolution, Plains Products Terminals 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.

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: December 13, 2016

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

*Stephanie Mello*  
By: Stephanie Mello, Deputy



cc: