

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

Adopted this Resolution on 03/26/2019 by the following vote:

John Gioia
AYE: **Candace Andersen**
 Karen Mitchoff
 Federal D. Glover

NO:

ABSENT: **Diane Burgis**

ABSTAIN:

RECUSE:



Resolution No. 2019/92

IN THE MATTER OF a resolution of the Board of Supervisors of the County of Contra Costa authorizing the transfer of a Pipeline Franchise from Plains Products Terminals LLC to TransMontaigne Operating Company L.P.

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

WHEREAS, on December 13, 2016, this Board granted a pipeline franchise to Plains Products Terminals LLC to operate a gasoline pipeline, two petroleum pipelines, and a natural gas pipeline within the County for a term of 10 years per County Resolution No. 2016/670 (2016/670 Franchise).

WHEREAS, on December 15, 2017, Plains Products LLC transferred certain of its assets to TransMontaigne Operating Company L.P., including its rights in the 2016/670 Franchise, pursuant to an Assignment of Leased Real Property and Rights of Way, dated December 15, 2017, between Plains Products LLC and TransMontaigne Operating Company L.P.

WHEREAS, on December 19, 2017, Plains Products LLC sent written correspondence to the Public Works Department wherein it requested the consent of County to the transfer and assignment of the 2016/670 Franchise to TransMontaigne Operating Company L.P.

WHEREAS, on December 19, 2017, TransMontaigne Operating Company L.P. sent written correspondence to the Public Works Department wherein it requested the consent of the County to transfer and assignment of the 2016/670 Franchise to Plains Products Terminals LLC.

WHEREAS, the County has reviewed the submitted correspondence and relevant documents, the staff report and recommendation, and it is the intent of the Board to approve the transfer and assignment of the 2016/670 Franchise to TransMontaigne Operating Company, L.P. 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. The Assumption of Contra Costa County Franchise and County Consent to Transfer (Plains Products Terminals LLC – TransMontaigne Operating Company L.P.) is approved and the Director of Public Works, or his designee is authorized to execute it.
3. The 2016/670 Franchise, and the right, title and interest in the 12” Line 191 gasoline crude pipeline, the 16” Line 930 petroleum pipeline, the Line 929 petroleum and the 6” PG&E connection to the Martinez Terminal natural gas pipeline subject thereto, are hereby transferred to TransMontaigne Operating Company L.P.
4. The Resolution shall take effect upon the following:
Within 30 days of the date of this Resolution, TransMontaigne Operating Company L.P. 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 No. 2013-19.

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: March 26, 2019

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

Laura J. Cassell

By: Laura Cassell, Deputy

Contact: Carrie Ricci 925-313-2235

cc: