

**BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

Resolution No. 18-9

In the Matter of the Proposed Grant of a Public Franchise to ERG Operating Company, LLC, for the Purpose of Transporting Petroleum Products by Pipeline Within Public Right-of-Way in the Certain Unincorporated Area of Santa Barbara County

**NOTICE AND RESOLUTION OF
INTENT TO GRANT PUBLIC
FRANCHISE**

CALIFORNIA PUBLIC UTILITY
CODE SECTION 6231 ET. AL. and
SANTA BARBARA COUNTY
CODE SECTION 2-82

WHEREAS, ERG Operating Company, LLC (hereinafter “ERG”), a privately owned subsidiary of ERG Resources, LLC, has applied to the County of Santa Barbara (hereinafter “County”), for a public franchise for a term of twenty years, for the purpose of transporting hydrocarbon substances within certain public right-of-way in unincorporated portions of the County, as shown on Exhibit “A”, attached hereto and by reference made a part hereof; and

WHEREAS, the proposed Foxen Petroleum Pipeline will consist of two eight (8) inch diameter pipelines approximately 2.9 mile long, for the transportation of hydrocarbon substances (oil) where 2.08 miles of the pipeline are located within public right-of-way, along portions of Santa Maria Mesa Road, Andrew Street, Stewart Street, and Foxen Canyon Road; and

WHEREAS, the public franchise agreement will set forth the fees to be paid by ERG to the County in accordance with Santa Barbara County Code Section 2-82, and California Public Utilities Code Section 6231, et al., as well as other terms and conditions to be met by ERG, including insurance, indemnification and a performance bond to ensure the faithful compliance with those terms and conditions; and

WHEREAS, the Director of the County’s Public Works Department has evaluated the application and determined that the installation and use of the pipelines will not negatively impact the County’s road system; and

NOW, THEREFORE, BE IT RESOLVED, the Santa Barbara County Board of Supervisors does hereby find, determine and order as follows:

1. The above recitals are true and correct; and
2. The construction, operation, and maintenance of the two eight-inch pipelines will run approximately 2.9 miles, of which 10,960 lineal feet (2.08 miles) of each pipeline will be located within County public right-of-way. A map of the proposed public pipeline is attached hereto and incorporated herein by reference as Exhibit "A"; and
3. Pursuant to California Public Utilities Code Section 6232, County hereby declares its intention to grant the franchise applied for; and
4. The Clerk of the Board is hereby directed to publish in the Santa Maria Times on January 9, 2018, the Public Notice of the sale of the franchise, attached hereto as Exhibit "B"; which establishes January 30, 2018, at 9:00 A.M., or shortly thereafter, in the County of Santa Barbara Board of Supervisors Hearing Room, located in Santa Barbara, California, as the time and place for the introduction and First Hearing on the proposed Ordinance; and February 6, 2018, at 9:00 A.M., or shortly thereafter, in the County of Santa Barbara Board of Supervisors Hearing Room, located in Santa Barbara, California, as the time and place for the Second Hearing and proposed adoption of the Ordinance.

Passed and adopted by the Board of Supervisors of the County of Santa Barbara, State of California, this 9th day of January 2018, by the following vote:

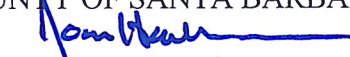
AYES: Supervisor Wolf, Supervisor Hartmann, Supervisor Adam, and Supervisor Lavagnino

NOES: None

ABSENT: Supervisor Williams

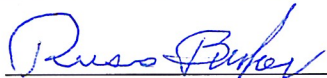
ABSTAINED: None

COUNTY OF SANTA BARBARA


Joan Hartmann

~~Das Williams~~, Chair
Board of Supervisors

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

By: 
Deputy

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 
Deputy County Counsel