

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

**Resolution No. \_\_\_\_\_**

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 \_\_\_\_ day of \_\_\_\_\_ 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**


COUNTY OF SANTA BARBARA

ATTEST:  
MONA MIYASATO  
CLERK OF THE BOARD

\_\_\_\_\_  
Das Williams, Chair  
Board of Supervisors

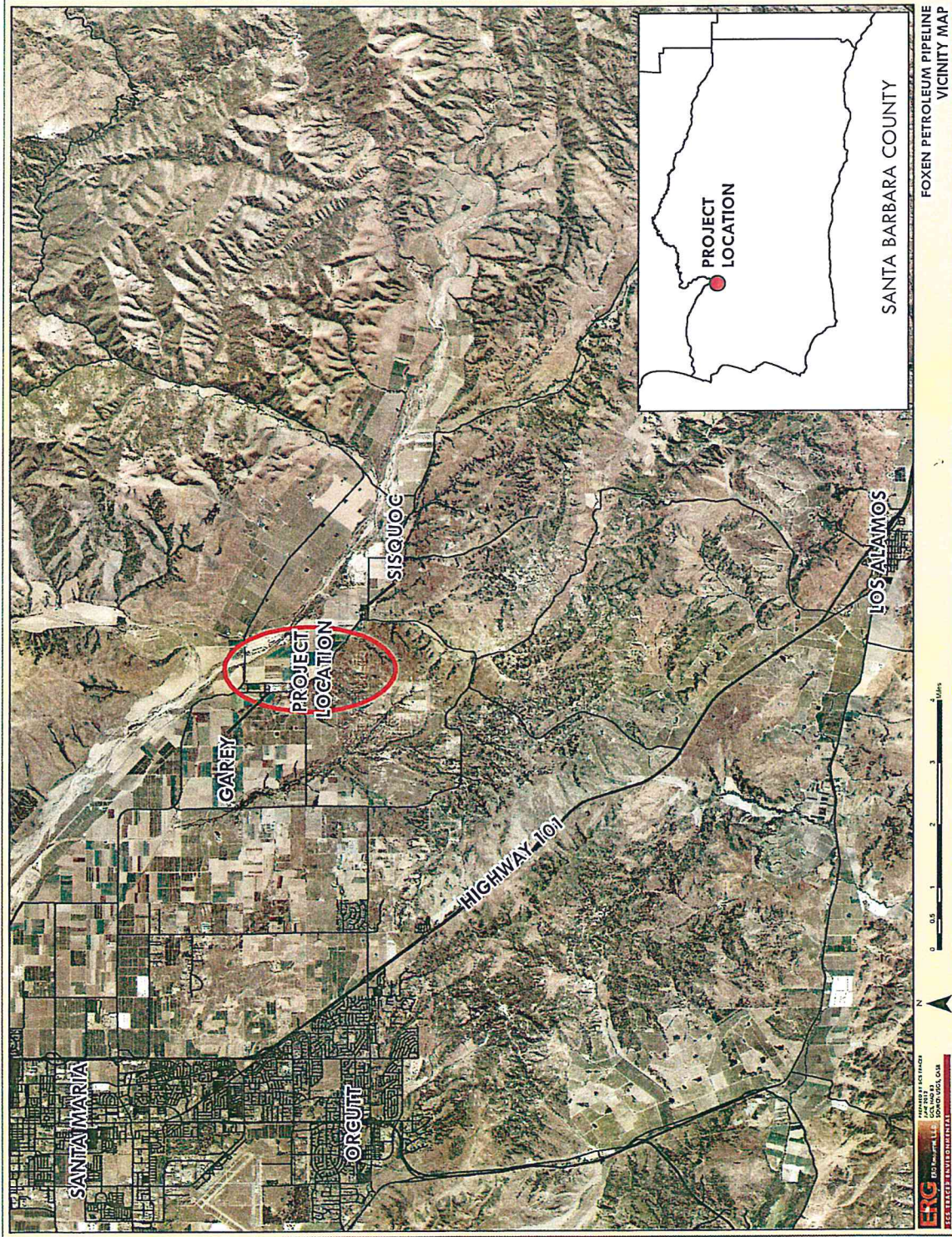
By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By:   
Deputy County Counsel

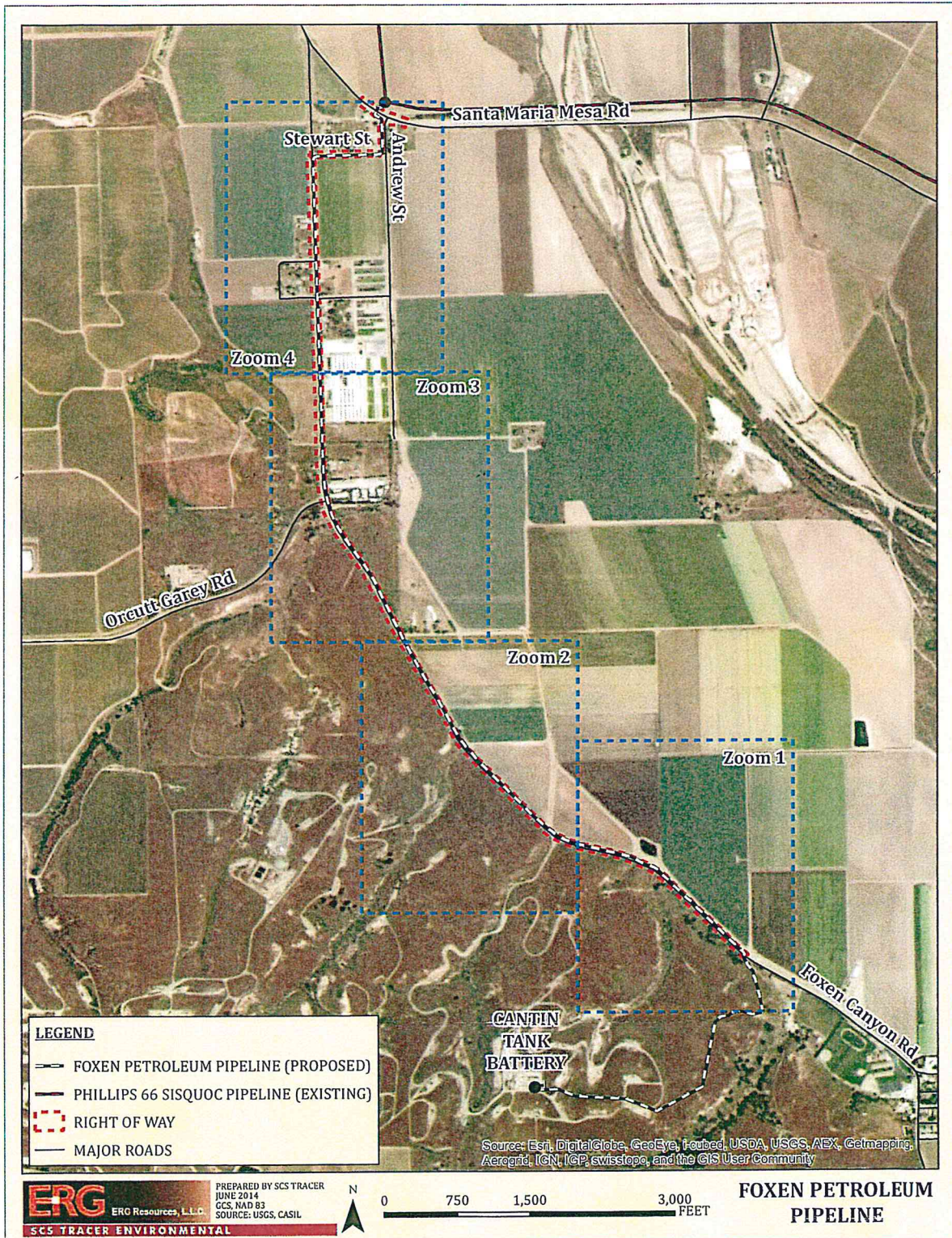


# Exhibit A Franchise Area





# Exhibit A Franchise Area





# Exhibit A Franchise Area





# Exhibit A Franchise Area





# Exhibit A Franchise Area





# Exhibit A Franchise Area





# EXHIBIT B

## PUBLIC NOTICE OF INTENT TO GRANT PUBLIC FRANCHISE TO ERG OPERATING COMPANY, LLC

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

NOTICE IS HEREBY GIVEN that ERG OPERATING COMPANY, LLC, has filed its application with the Board of Supervisors of the County of Santa Barbara requesting a public franchise for a period of twenty years, pursuant to Santa Barbara County Code 2-82, to construct, operate and maintain a public pipeline system along portions of Santa Maria Mesa Roda, Andrew Street, Stewart Street, and Foxen Canyon Road, in the Cat Canyon area of the County, for the purpose of transporting petroleum and related products.

If said franchise shall be granted, ERG OPERATING COMPANY, LLC, its successors and assigns, shall during the life thereof pay to County an annual fee based on Santa Barbara County Code Section 2-82. Upon commencement of this franchise, the annual fee shall be \$3,857.92. The franchise fee shall be paid annually from the date of the granting of the franchise applied for and in the event such payment shall not be made said franchise shall be forfeited.

NOTICE IS HEREBY FURTHER GIVEN that any and all persons having any objections to the granting of said franchise may appear before this Board of Supervisors at the Board Hearing Room located at 105 E. Anapamu, in Santa Barbara, California, 93101, at the hour of 9:00 a.m. on January 30, 2018; and

NOTICE IS HEREBY FURTHER GIVEN that at any time not later than the hour so set for hearing objections any person interested may make written protest stating objections against the granting of said franchise which protests must be signed by the protestant and delivered to the Clerk of the Board of Supervisors, and the Board of Supervisors shall at the time set for hearing said objections proceed to hear and pass upon all protests so made.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (805) 568-2240. Notification at least 48 hours prior to the meeting will enable the Clerk of the Board to make reasonable arrangements.

**IF YOU CHALLENGE THIS PROJECT IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE TO THE BOARD OF SUPERVISORS AT, OR PRIOR TO, THE PUBLIC HEARING.**

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

MONA MIYASATO  
CLERK OF THE BOARD OF SUPERVISORS

By \_\_\_\_\_

Deputy Clerk