

ORDINANCE SUMMARY

An ordinance of the County of Fresno ("County") granting a franchise, up to 25 years, on a non-exclusive basis to Toro Energy of California AA, LLC (also referred to as Toro Energy), upon annual payment of a franchise fee to the County, to construct, maintain and use pipes and appurtenances for transmitting derived gas from Toro Energy's landfill-gas-to-energy project ("LFGTE Project") at the County's American Avenue Disposal Site ("AADS") for any and all purposes, as allowed by a County-approved conditional use permit and/or road permit condition, from the LFGTE Project at the AADS at 18950 W. American Avenue, Kerman, in, along, across, upon, and under the following public streets and highways within the unincorporated area of Fresno County: from the County's AADS, eastward on W. American Avenue for approximately 4 miles, and then southward on S. Madera Avenue for approximately 4 miles, to a PG&E connection location approximately a half of a mile north of W. Manning Avenue, just east of S. Madera Avenue/SR 145, Kerman. In the event such payment is not made, the franchise will be forfeited. The ordinance will become effective thirty (30) days after its final passage, pending written acceptance of the franchise by Toro Energy. The franchise, if granted, does not become effective until Toro Energy files written acceptance of it with the Clerk of the Board and copy thereof provided to the Director of Public Works and Planning. Toro Energy shall be required to file a bond running to the County in the penal sum of \$100,000 at least thirty (30) days before any permit is granted by the County for Toro Energy to commence construction within the franchise area. The 25-year period, stated above, for the franchise shall be from and after the date that, after Toro Energy has provided such bond to the County and accepted by the Director of Public Works and Planning, the County has issued a permit for Toro Energy to commence construction within the franchise area.