

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



**FROM:** Supervisor John J. Benoit & Supervisor Marion Ashley

**SUBMITTAL DATE:**  
June 20, 2013

**SUBJECT:** Resolution No. 2013-158 Establishing Requirements, Limitations and Procedures Concerning the Use of Payments Collected Under a Franchise, Real Property Interest Agreement or Development Agreement Involving a Solar Power Plant

**RECOMMENDED MOTION:** That the Board of Supervisors:

- 1) Approve Resolution No. 2013-158, attached, establishing the requirements, limitations, and procedures concerning use of solar power plant payments which supersedes and amends Resolution No. 2012-252;
- 2) Approve transferring residual fund balance from solar franchise revenue from the Desert Sunlight Solar Power project (Ordinance No. 909) remaining at the end of FY 12/13 into the special revenue fund referenced in Resolution No. 2013-158 and committing 50 percent of that residual fund balance toward benefit of the impacted community near the solar power project and 50 percent of that toward impacted communities in the 4th District;
- 3) Consistent with the provisions of Resolution No. 2013-158 above, approve and direct the Auditor-Controller to make adjustments to FY 13/14 budgeted appropriations and estimated revenues as specified in Schedule A.

**BACKGROUND:** On December 18, 2012, the Board approved Resolution No. 2012-252 pertaining to payments collected under development agreements involving a solar power plant. At this time, we propose a comprehensive procedure applying to the use of payments collected under franchises, real property interest agreements, and development agreements involving solar power plants. Resolution No. 2013-158 will commit 25 percent of solar power plant payments to benefit communities in the vicinity of the contributing solar power plant, 25 percent to benefit the supervisorial district and/or adjoining district in which the contributing solar power plant is located, and 50 percent for any general purpose use consistent with the limitations contained in Resolution 2013-158.

*Marion Ashley*

Supervisor Marion Ashley, 5<sup>th</sup> District

*John J. Benoit*

Supervisor John J. Benoit, 4<sup>th</sup> District

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2013/14

<b>SOURCE OF FUNDS:</b> Solar power plant payments	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input checked="" type="checkbox"/>

Departmental Concurrence

Schedule A

Decrease committed fund balance:		
30000-1100300000-330100	Committed fund balance	\$411,569
Increase appropriations:		
30000-1100300000-551100	Contributions to other funds	411,569
Decrease unassigned fund balance:		
10000-100010000-370106	Unassigned fund balance – budget stabilization	24,668
Increase appropriations:		
10000-100010000-551100	Contributions to other funds	24,668
Increase estimated revenue:		
22840-1104100000-790600	Contributions from other county funds	436,257
Increase committed fund balance:		
22840-1104100000-330156	Committed fund balance for community benefit	218,129
22840-1104100000-330157	Committed fund balance for 4 <sup>th</sup> District benefit	<u>218,128</u>
	Total	436,257
Decrease estimated revenue:		
30000-1100300000-725020	Franchises	635,000
Decrease appropriations:		
30000-1100300000-525020	Legal Services	165,000
30000-1100300000-551100	Contribution to other county funds	<u>195,500</u>
	Total	360,500
Offset is decrease in anticipated fund balance:		
30000-1100300000		274,500
Increase estimated revenue:		
22840-1104100000-725020	Franchises	641,580
Increase appropriations:		
22840-1104100000-551100	Contribution to other county funds	320,790
Increase committed fund balance:		
22840-1104100000-330156	Committed fund balance for community benefit	160,395
22840-1104100000-330157	Committed fund balance for 4 <sup>th</sup> District benefit	<u>160,395</u>
	Total	320,790

Revised

2  
3 RESOLUTION NO. 2013-158

4  
5 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE  
6 ESTABLISHING REQUIREMENTS, LIMITATIONS AND PROCEDURES  
7 CONCERNING THE USE OF PAYMENTS COLLECTED UNDER A  
8 FRANCHISE, REAL PROPERTY INTEREST AGREEMENT OR DEVELOPMENT AGREEMENT  
9 INVOLVING A SOLAR POWER PLANT

10  
11 WHEREAS, the Board of Supervisors supports solar energy and acknowledges its benefits; and,

12 WHEREAS, the benefits of solar power plants occur on a national, statewide and regional level;

13 and,

14 WHEREAS, the development of solar power plants presents unique and unprecedented issues  
15 for Riverside County not involved in any other type of development; and,

16 WHEREAS, the development of solar power plants involves new and rapidly evolving  
17 technology; and,

18 WHEREAS, except for experimental facilities, large-scale solar power plants have not  
19 previously been completed or operated anywhere in the state; and,

20 WHEREAS, there has been a rush to develop solar power plants due to state mandates and  
21 federal and state financial incentives; and,

22 WHEREAS, development of solar power plants will permanently alter the natural landscape,  
23 and detrimentally affect scenic and recreational values; and,

24 WHEREAS, development of solar power plants will permanently commit vast areas of the  
25 County to industrial, large-scale solar energy production and preclude all other potential uses on those  
26 lands, including, but not limited to, agricultural, recreational, commercial, industrial, residential, cultural,  
27 and open space uses; and,

28 WHEREAS, compared to these other potential uses, the number of permanent jobs created by

1 solar power plants is very limited; and,

2 WHEREAS, on November 8, 2011, the Board of Supervisors adopted a comprehensive,  
3 integrated, legislative solar power plant program which included General Plan Amendment No. 1080,  
4 Ordinance No. 348.4705 and Board of Supervisors Policy No. B-29; and,

5 WHEREAS, on May 21, 2013, the Board of Supervisors adopted a revised Board Policy No. B-  
6 29 (Board Policy No. B-29); and,

7 WHEREAS, General Plan Amendment No. 1080 adds a new General Plan policy which  
8 declares that the County “shall permit and encourage, in an environmentally and fiscally responsible  
9 manner, the development of renewable energy resources and related infrastructure, including but not  
10 limited to, the development of solar power plants in the County of Riverside”; and,

11 WHEREAS, Board Policy No. B-29, among other things, provides for certain payments for  
12 franchises, real property interest agreements, or development agreements involving solar power plants; and,

13 WHEREAS, on December 18, 2012, the Board of Supervisors adopted Resolution 2012-252  
14 establishing requirements, limitations, and procedures concerning the use of payments collected under a  
15 development agreement involving a solar power plant; and,

16 WHEREAS, the Board of Supervisors now desires to expand and amend the requirements,  
17 limitations and procedures adopted in Resolution No. 2012-252 to address the use of payments collected  
18 under franchises and real property interest agreements, as well as development agreements, involving solar  
19 power plants and allow for diversified uses and appropriations of such payments consistent with law and  
20 the purpose of Board Policy No. B-29;

21 NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the  
22 Board of Supervisors of the County of Riverside in regular session assembled on June 25, 2013, that the  
23 following requirements, limitations and procedures concerning the use of payments collected under  
24 franchises, real property interest agreements, or development agreements involving solar power plants are  
25 hereby established:

26 1. LIMITED TO PAYMENTS COLLECTED UNDER FRANCHISES, REAL PROPERTY  
27 INTEREST AGREEMENTS, AND DEVELOPMENT AGREEMENTS INVOLVING SOLAR POWER  
28 PLANTS. This Resolution shall apply only to payments collected under franchises, real property interest

1 agreements, and development agreements adopted consistent with Board Policy No. B-29 or Ordinance 909  
2 and involving solar power plants, notwithstanding the provisions of any other Board policy. However, this  
3 Resolution shall not apply to any payment collected under such franchise, real property interest agreement,  
4 or development agreement for the purpose of providing funding for the administration of the subject  
5 agreement. For the purposes of this Resolution, "solar power plant" shall have the same meaning as  
6 defined in Riverside County Ordinance No. 348.

7           2.       LIMITED TO SPECIFIC PURPOSES. Effective July 1, 2013, of all such solar power  
8 plant payments specified above, 25 percent shall be committed toward appropriations that benefit  
9 communities in the general vicinity of the solar power plant for which payments are made; 25 percent shall  
10 be committed toward appropriations that benefit generally the supervisorial district and/or adjoining  
11 supervisorial district in which the solar power plant is located; and 50 percent shall be committed toward  
12 appropriations for any general purpose use consistent with the limitations of this Resolution. All  
13 appropriations made pursuant to this Resolution shall have an articulated public purpose consistent with the  
14 objectives outlined in Board Policy No. B-29. Permissible appropriations of such payments include, but  
15 are not limited to, County programs for economic and employment development, employee training and  
16 retraining, affordable housing, promoting tourism, and other activities and programs to retain, preserve,  
17 attract, and grow agricultural, recreational, industrial and commercial uses. In all cases, appropriations of  
18 such solar power plant payments shall not be used to mitigate project-specific impacts, including but not  
19 limited to mitigation that would be required under the California Environmental Quality Act ("CEQA") or  
20 Ordinance No. 659, nor shall such solar power plant payments supplant such mitigation payments or  
21 development impact fees.

22           3.       SEPARATE FUND AND ACCOUNTING. All such payments shall be deposited into  
23 and disbursed from a separate special revenue fund of the County hereby established entitled the "Solar  
24 Payment Revenue Fund." Pursuant to Section 65865(e) of the Government Code, accounting with respect  
25 to such fund shall comply with the applicable requirements of Section 66006 of the Government Code.

26           4.       RESOLUTION 2012-252. Resolution 2012-252 is superseded and amended in its  
27 entirety by this Resolution.

28 g:\property\tnorth\ resolution 2012 252 solar da payments revised at bos.docx

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- 3) Consistent with the provisions of Resolution No. 2013-158 above, adjust FY 13/14 budgeted appropriations and estimated revenues as specified in Schedule A.

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**Prev. Agn. Ref.:** 11/8/11 #16.2;  
12/13/11, #3.37; 12/18/12 #3.70; 05/21/13 #3.24

**District:**

**Agenda Number:**

**3-46**

Schedule A

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