

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



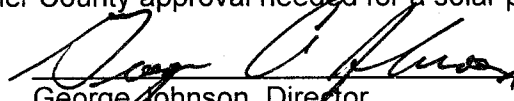
**FROM:** Transportation and Land Management Agency

**SUBMITTAL DATE:**  
July 7, 2011

**SUBJECT:** Resolution No. 2011-147 Declaration of Intent to Grant an Electric Franchise to Desert Sunlight 250, LLC, and Desert Sunlight 300, LLC, and Their Lawful Successors and Assigns and Setting for Public Hearing Ordinance No. 909.

**RECOMMENDED MOTION:** That the Board of Supervisors adopt Resolution No. 2011-147, "Declaration of Intention to Grant an Electric Franchise to Desert Sunlight 250, LLC, a Delaware Limited Liability Company, and Desert Sunlight 300, LLC, a Delaware Limited Liability Company, and Their Lawful Successors and Assigns"; and, direct the Clerk of the Board to publish notice, in substantially the same form as specified in the resolution, for the public hearing to be held at 1:30 p.m. on August 16, 2011.

**BACKGROUND:** Desert Sunlight 250, LLC, and Desert Sunlight 300, LLC, ("Desert Sunlight"), requested the Board of Supervisors grant them a franchise to construct and use an electrical transmission line under, along, across, or upon the Kaiser Road rights-of-way in eastern Riverside County. The franchise proposed in Ordinance No. 909 has a 30-year term; requires the payment of a franchise fee of \$600,000 adjusted annually for inflation; and requires the posting of a letter of credit to ensure that sales and use taxes generated are allocated to Riverside County. The payment term is unique to this franchise, in consideration of the Desert Sunlight Solar Farm Project's federal funding deadlines. The payment term shall not set a precedent for any other franchise, or for any other County approval needed for a solar power plant project.

  
 George Johnson, Director  
 Transportation and Land Management Agency

BY: KATHERINE A. LIND 07/07/11  
 COUNSEL  
 Departmental Concurrence

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$(600,000)	For Fiscal Year:

<b>SOURCE OF FUNDS:</b> Franchise Fees	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

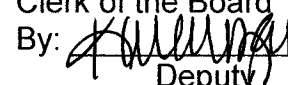
BY:   
Denise C. Harden

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Ashley, seconded by Supervisor Stone and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and is set for public hearing on Tuesday, August 16, 2011, at 1:30 p.m.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
 Nays: None  
 Absent: None  
 Date: July 12, 2011  
 xc: Transp.

Kecia Harper-Ihem  
 Clerk of the Board  
 By:   
 Deputy

Dep't Recomm.:  
 Per Exec. Ofc.:

**Prev. Agn. Ref.:** 06/28/11 #3.111

**District:** 4

**Agenda Number:**

**3.54**

RE: Resolution No. 2011-147 Declaration of Intent to Grant an Electric Franchise to Desert Sunlight 250, LLC, and Desert Sunlight 300, LLC, and Their Lawful Successors and Assigns and Setting for Public Hearing Ordinance No. 909.

July 7, 2011

Page 2

Desert Sunlight proposes to construct and operate a 550-megawatt (MW) solar photovoltaic (PV) energy-generating project known as the Desert Sunlight Solar Farm ("Project"). The majority of the Project, including the solar farm itself, will be located on federal land managed by the Bureau of Land Management. The solar farm is not within the County's jurisdiction.

The Project includes construction of a 220-kilovolt transmission line connecting the electrical output of the solar farm to Southern California Edison's proposed Red Bluff Substation. A portion of the transmission line will run under, along, across or upon the Kaiser Road rights-of-way and other areas within the County's jurisdiction not within road rights-of-way. Specifically, the transmission line is proposed to exit the southwest portion of the solar farm site, run south along the west side of Kaiser Road, turn east just north of Desert Center, and then run south across I-10 to the substation.

Desert Sunlight applied for a Public Use Permit (PUP 909) pursuant to Ordinance No. 348 and an encroachment permit pursuant to Ordinance No. 499 for the parts of the Project within the County's jurisdiction. PUP 909 is a fast track case currently scheduled for Board hearing on August 16, 2011. The Transportation Department is considering the encroachment permit application. Ordinance No. 499 provides that an encroachment permit may be issued if the applicant holds a current County franchise. The County is authorized to grant a franchise pursuant to Article 11, Section 7, of the California Constitution and Government Code Section 26001.

The Clerk of the Board is required to publish notice of the public hearing in a newspaper of general circulation in the County at least once within fifteen (15) days after the adoption of Resolution No. 2011-147. The time fixed for hearing shall be August 16, 2011, a date not less than twenty (20) nor more than sixty (60) days after the date of adoption of the resolution.

2 RESOLUTION NO. 2011-147

3 **DECLARATION OF INTENT TO GRANT AN ELECTRIC FRANCHISE TO DESERT**  
4 **SUNLIGHT 250, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND DESERT**  
5 **SUNLIGHT 300, LLC, A DELAWARE LIMITED LIABILITY COMPANY,**  
6 **AND THEIR LAWFUL SUCCESSORS AND ASSIGNS**

7 **WHEREAS**, Desert Sunlight 250, LLC, and Desert Sunlight 300, LLC, (hereinafter collectively  
8 referred to as "Desert Sunlight") are limited liability companies, established under the laws of the State of  
9 Delaware, and duly authorized to transact business in the State of California; and,

10 **WHEREAS**, Desert Sunlight has requested that the Board of Supervisors grant it a franchise for  
11 the purpose specified in the form of the notice set forth below; and,

12 **WHEREAS**, the granting of a franchise by the County is authorized by the California  
13 Constitution, Article 11, Section 7 and Government Code section 26001; and,

14 **WHEREAS**, the Board of Supervisors believes the public good requires that the franchise be  
15 granted; now therefore,

16 **BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED** by the Board of Supervisors  
17 of the County of Riverside, in regular session assembled on July 12, 2011, that it intends to grant a  
18 franchise to Desert Sunlight on the terms specified in the form of the notice set forth below and the  
19 additional terms specified in proposed Ordinance No. 909.

20 **BE IT FURTHER RESOLVED** by the Board that objections to the granting of the franchise  
21 shall be heard at the time and place specified in the form of the notice set forth below, which the Clerk of  
22 the Board is hereby directed to publish at least once in a newspaper of general circulation in the County  
23 within fifteen (15) days after the adoption of this resolution. Said notice shall be in substantially the  
24 following form:

25 "NOTICE OF INTENTION TO GRANT FRANCHISE

26 NOTICE IS HEREBY GIVEN that Desert Sunlight 250, LLC, a Delaware Limited Liability  
27 Company, and Desert Sunlight 300, LLC, a Delaware Limited Liability Company, have requested that the  
28 Board of Supervisors of the County of Riverside grant them a franchise to construct and use an electrical

BY: ~~KATHERINE A. LIND~~ A. Lind 07/07/11 DATE

1 transmission line under, along, across, or upon the Kaiser Road rights-of-way in eastern Riverside  
2 County.

3 If granted, the franchise shall be for a period of 30 years. During the life of the franchise, Desert  
4 Sunlight 250, LLC, and Desert Sunlight 300, LLC, their lawful successors and assigns, in whole or in part  
5 (hereinafter referred to as "Grantee"), shall annually pay to the County Treasurer, in lawful money of the  
6 United States, the amount of six hundred thousand dollars and no cents (\$600,000.00). Grantee shall  
7 make the initial payment at the close of Department of Energy loan financing for the Desert Sunlight  
8 Solar Farm Project ("Project") or at the close of other financing for the Project, if there is no Department  
9 of Energy loan financing. In no event, however, shall the initial payment be made later than September 1,  
10 2012. Grantee shall make subsequent annual payments on February 1<sup>st</sup> of each year, which shall be  
11 increased by the same percentage as the increase in the Consumer Price Index, All Urban Consumers,  
12 (Los Angeles — Anaheim) for the twelve (12) month period ending four (4) months prior to February 1st.  
13 In no event, however, shall the Consumer Price Index Adjustment be less than 1 percent nor greater than 4  
14 percent. In the event the payments specified herein are not made, the franchise shall be forfeited  
15 following the applicable cure period.

16 Grantee shall also deliver a letter of credit to the County, in an amount to be determined by the  
17 County, to secure the payment and proper allocation of sales and use taxes to the County.

18 NOTICE IS HEREBY FURTHER GIVEN that any person objecting to the granting of the  
19 franchise may appear before the Board of Supervisors and be heard thereon at the hour of 1:30 p.m. on  
20 Tuesday, the 16<sup>th</sup> day of August 2011 at the Board Chambers, First Floor, County Administrative Center,  
21 4080 Lemon Street, Riverside, California.

22 NOTICE IS HEREBY FURTHER GIVEN that at any time not later than the hour set for the  
23 hearing of objections, any person interested may make written protest stating objections against the  
24 granting of the franchise; which protest must be signed by the protestant and be delivered to the Clerk of  
25 the Board of the County. The Board of Supervisors at the time set for hearing objections shall proceed to  
26 hear and pass upon all protests so made and its decision shall be final and conclusive, subject to the right  
27 of referendum of the people. The Board of Supervisors may adjourn the hearing from time to time.

1 For further particulars, reference is hereby made to Resolution No. 2011-147 adopted by the Board  
2 of Supervisors on the 12<sup>th</sup> day of July 2011, declaring its intention to grant the franchise and to proposed  
3 Ordinance No. 909, an urgency ordinance of the County of Riverside granting to Desert Sunlight 250,  
4 LLC, and Desert Sunlight 300, LLC, and their lawful successors and assigns, in whole or in part, a  
5 franchise to construct and use an electrical transmission line under, along, across, or upon the Kaiser Road  
6 rights-of-way in eastern Riverside County, both of which are on file in the office of the Clerk of the  
7 Board.

8 DATED THIS 12th day of July, 2011.

9 By order of the Board of Supervisors of the County of Riverside, California.”

10  
11  
12  
13 ROLL CALL:

14 Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley  
15 Nays: None  
16 Absent: None

17  
18 G:\PROPERTY\TNORTH\DESERT SUNLIGHT FIRST SOLAR\2011 147 RESOLUTION OF INTENTION FINAL1.DOC

19  
20 The foregoing is certified to be a true copy of a resolution duly  
adopted by said Board of Supervisors on the date therein set forth.

21 KECIA HARPER-IHEM, Clerk of said Board

22 By: \_\_\_\_\_  
23 Deputy

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



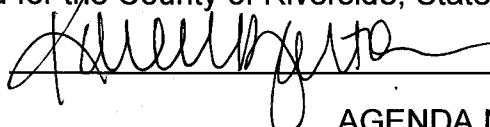
**3.111**

On motion of Supervisor Benoit, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Transportation & Land Management Agency And County Counsel regarding Adoption of Resolution No. 2011-147 declaring an intention to grant, and INTRODUCTION OF ORDINANCE NO. 909, granting a franchise to Desert Sunlight Holdings, LLC, for transmitting and distributing electricity under, along, across, or upon County roads and rights of way in Eastern Riverside County, 4<sup>th</sup> District is continued to Tuesday, July 12, 2011 at 9:00 a.m.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on June 28, 2011 of Supervisors Minutes.

(seal)

WITNESS my hand and the seal of the Board of Supervisors  
Dated: June 28, 2011  
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

By:  Deputy

AGENDA NO.  
3.111

xc: TLMA, Co.Co., ~~COB~~

3.54

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



3.65

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried, IT WAS ORDERED that the recommendation from Transportation & Land Management Agency And County Counsel regarding the Adoption of Resolution No. 2011-147 declaring an intention to grant, and Introduction Of Ordinance No. 909, granting a franchise to Desert Sunlight Holdings, LLC, for transmitting and distributing electricity under, along, across, or upon County roads and rights of way in Eastern Riverside County, 4<sup>th</sup> District is continued to Tuesday, June 28, 2011 at 9:00 a.m.

Roll Call:

Ayes: Buster, Stone, Benoit and Ashley  
Nays: None  
Absent: Tavaglione

3.54 7/12/11

32

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on June 7, 2011 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors  
Dated: June 7, 2011  
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

(seal)

By: [Signature] Deputy

AGENDA NO.

xc: TLMA, Co.Co., COB

3.111

**Harper-Ihem, Kecia**

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**From:** Groeneveld, Patricia [PGROENEV@rctlma.org]  
**Sent:** Tuesday, May 31, 2011 5:29 PM  
**To:** Harper-Ihem, Kecia; Grant, Diana  
**Cc:** Lind, Katherine; North, Tiffany; Johnson, George; Grande, Tina; Harden, Denise  
**Subject:** Continuation Request: Item 3.58 - May 24th Agenda

Dear Ms. Harper-Ihem:

We requested continuation of the May 24<sup>th</sup> Agenda Item 3.58 (Resolution No. 2011-147 and Ordinance No. 909, granting a franchise to Desert Sunlight Holdings, LLC), to June 4<sup>th</sup>. Circumstances compel us to ask for a second continuation, to the Board Agenda of June 14<sup>th</sup>.

Thank you for your consideration,  
Pat Groeneveld – TLMA – x56742

06-07-2011  
3.65



## Harper-Ihem, Kecia

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**From:** North, Tiffany [TNorth@co.riverside.ca.us]  
**Sent:** Monday, May 23, 2011 11:46 AM  
**To:** Harper-Ihem, Kecia  
**Cc:** Groeneveld, Patricia; Lind, Katherine  
**Subject:** RE: 3.58

Good morning Kecia-

I just wanted to give you a quick heads up that TLMA will be requesting a continuance of item 3.58 until June 7, 2011. George Johnson's office will be preparing a memo to your attention, to be routed through the Executive Office, but I wanted to let you know too.

Thank you. Please let me know if you have any questions. Sorry for any inconvenience.

Tiffany N. North  
Deputy County Counsel  
Office of Riverside County Counsel  
Telephone (951) 955-6300  
Facsimile (951) 955-6363

*Please note: Our office is closed every Friday thru fiscal year 2010/2011 per order of the Board of Supervisors on June 15, 2010.*

NOTICE: This communication is intended for the use of the individual or entity to which it is addressed and may contain attorney/client information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by reply email or by telephone and immediately delete this communication and all its attachments.

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**From:** North, Tiffany  
**Sent:** Thursday, May 19, 2011 3:33 PM  
**To:** Harper-Ihem, Kecia  
**Subject:** RE: 3.58

Hi Kecia-

Here is the title for the agenda. Thank you!

- 3.58 Adoption of Resolution No. 2011-147 declaring an intention to grant, and Introduction of Ordinance No. 909, granting a franchise to Desert Sunlight Holdings, LLC, for transmitting and distributing electricity under, along, across, or upon County roads and rights of way in Eastern Riverside County, 4<sup>th</sup> District. (Set for Hearing 06/14/2011 @ 1:30 p.m. – Clerk to advertise).

Tiffany N. North  
Deputy County Counsel  
Office of Riverside County Counsel  
Telephone (951) 955-6300  
Facsimile (951) 955-6363

05.24.2011  
3.58

MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**3.58**

On motion of Supervisor Buster, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the recommendation from Transportation & Land Management Agency And County Counsel regarding Adoption of Resolution No. 2011-147 declaring an intention to grant, and Introduction of Ordinance No. 909, granting a franchise to Desert Sunlight Holdings, LLC, for transmitting and distributing electricity under, along, across, or upon County roads and rights of way in Eastern Riverside County, 4<sup>th</sup> District is continued to Tuesday, June 7, 2011 at 9:00 a.m.

I hereby certify that the foregoing is a full true, and correct copy of an order made and entered on May 24, 2011 of Supervisors Minutes.

(seal)

WITNESS my hand and the seal of the Board of Supervisors  
Dated: May 24, 2011  
Kecia Harper-Ihem, Clerk of the Board of Supervisors, in  
and for the County of Riverside, State of California.

By: *Kecia Harper-Ihem* Deputy

AGENDA NO.

xc: TLMA, Co.Co., COB

3.65

## Harper-Ihem, Kecia

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**From:** Groeneveld, Patricia [PGROENEV@rctlma.org]  
**Sent:** Monday, June 06, 2011 2:03 PM  
**To:** Harper-Ihem, Kecia; Grant, Diana  
**Cc:** Lind, Katherine; North, Tiffany; Johnson, George; Grande, Tina; Harden, Denise  
**Subject:** Continuation Request: Item 3.58 - May 24th Agenda to June 28th

Ms. Harper-Ihem:

This message was refused by the Board's IT system due to security issues. I've called and left a message for Mr. Henderson, and am taking a chance that it will go through this time.

Take care,  
Pat Groeneveld – TLMA – x56742

Dear Ms. Harper-Ihem:

Discussion continues on Item 3.58 of the May 24<sup>th</sup> Agenda. Please continue this item to the Board Agenda of **June 28<sup>th</sup>**.

Thank you for your understanding.  
Pat Groeneveld – TLMA – x56742

Dear Ms. Harper-Ihem:

We requested continuation of the May 24<sup>th</sup> Agenda Item 3.58 (Resolution No. 2011-147 and Ordinance No. 909, granting a franchise to Desert Sunlight Holdings, LLC), to June 4<sup>th</sup>. Circumstances compel us to ask for a second continuation, to the Board Agenda of June 14<sup>th</sup>.

Thank you for your consideration,  
Pat Groeneveld – TLMA – x56742

06/07/2011  
3.65

**Riverside County Board of Supervisors  
Request to Speak**



Submit request to Clerk of Board (right of podium),  
Speakers are entitled to three (3) minutes, subject  
Board Rules listed on the reverse side of this form.

**SPEAKER'S NAME:** Jim Woodruff

**Address:** \_\_\_\_\_  
(only if follow-up mail response requested)

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Agenda #** 3.111

**PLEASE STATE YOUR POSITION BELOW:**

**Position on "Regular" (non-appealed) Agenda Item:**

       **Support**      X   **Oppose**           **Neutral**

*Officer Taking off Calendar*

**Note:** If you are here for an agenda item that is filed  
for "Appeal", please state separately your position on  
the appeal below:

       **Support**           **Oppose**           **Neutral**

**I give my 3 minutes to:** \_\_\_\_\_