

**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, 5th District

John J. Benoit

Supervisor John J. Benoit, 4th District

FINANCIAL DATA	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

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

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved with the recommendation that 25% shall be committed toward appropriations that benefit communities in the general vicinity of the solar power plant and 75% shall be committed to the General Fund of which any money used must be approved by a 4/5 vote of the Board.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley
 Nays: None
 Absent: None
 Date: June 25, 2013
 xc: Supvr. Ashley, Supvr. Benoit, Auditor, E.O.

Kecia Harper-Ihem
 Clerk of the Board
 By *[Signature]*
 Deputy

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

3-46

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 th 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 th 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 *SEE ITEM 3-50 OF 07/02/2013 FOR APPROVED REVISED RESOLUTION*

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



FROM: Supervisor John J. Benoit & Supervisor Marion Ashley

SUBMITTAL DATE:

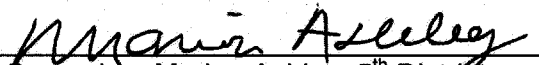
June 20, 2013

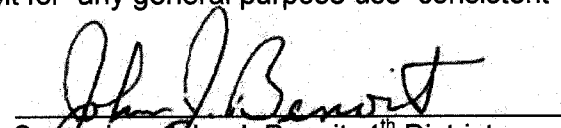
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Supervisor John J. Benoit, 4th District

**FINANCIAL
DATA**

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

SOURCE OF FUNDS: Solar power plant payments

Positions To Be Deleted Per A-30	<input type="checkbox"/>
Requires 4/5 Vote	<input checked="" type="checkbox"/>

RECEIVED RIVERSIDE COUNTY
CLERK/BOARD OF SUPERVISORS
2013 JUN 20 PM 4:00

Schedule A

Decrease committed fund balance:

30000-1100300000-330100	Committed fund balance	\$411,569
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Decrease unassigned fund balance:

10000-100010000-370106	Unassigned fund balance – budget stabilization	24,668
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Increase committed fund balance:

00000-0000000000-000000	Committed fund balance for community benefit	218,129
00000-0000000000-000000	Committed fund balance for 4 th District benefit	<u>218,128</u>
	Total	436,257

Decrease estimated revenue:

30000-1100300000-725020	Franchises	635,000
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Decrease appropriations:

30000-1100300000-525020	Legal Services	165,000
30000-1100300000-551100	Contribution to other county funds	<u>195,500</u>
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JAY E. ORR
COUNTY EXECUTIVE OFFICER

MEMORANDUM COUNTY OF RIVERSIDE EXECUTIVE OFFICE

GEORGE A. JOHNSON
CHIEF ASSISTANT COUNTY EXECUTIVE OFFICER

ROB FIELD
ASSISTANT COUNTY EXECUTIVE OFFICER
ECONOMIC DEVELOPMENT AGENCY

BARBARA OLIVIER
ASSISTANT COUNTY EXECUTIVE OFFICER
HUMAN RESOURCES

ED CORSER
COUNTY FINANCE DIRECTOR

CHRISTOPHER HANS
CHIEF DEPUTY COUNTY EXECUTIVE OFFICER

TO: Kecia Harper-Ihem, Clerk of the Board

FROM: *Denise*
Denise C. Harden, Principal Management Analyst

DATE: June 25, 2013

RE: Correction of Schedule A for Agenda Item 3-46

I was advised by the Auditor-Controller's Office late yesterday afternoon that they assigned a DeptID number that was already in use to the new solar budget unit by mistake. The correct DeptID number is 1104100000. Both a redline and clean copy of the corrected Schedule A for Agenda Item 3-46 on today's agenda is attached.

Schedule A

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	Total	320,790

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
to Board Rules listed on the reverse side of this form.

SPEAKER'S NAME: GARY GRANT

Address: 27068 JARVIS ST
(only if follow-up mail response requested)

City: PERRIS Zip: 92570

Phone #: 657-9319

Date: JUNE 25th 2013 Agenda # 3.4C

PLEASE STATE YOUR POSITION BELOW:

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

 Support ~~7~~ Oppose Neutral

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:_____

BOARD RULES

Requests to Address Board on "Agenda" Items:

You may request to be heard on a published agenda item. Requests to be heard must be submitted to the Clerk of the Board before the scheduled meeting time.

Requests to Address Board on items that are "NOT" on the Agenda:

Notwithstanding any other provisions of these rules, member of the public shall have the right to address the Board during the mid-morning "Oral Communications" segment of the published agenda. Said purpose for address must pertain to issues which are under the direct jurisdiction of the Board of Supervisors. YOUR TIME WILL BE LIMITED TO THREE (3) MINUTES.

Power Point Presentations/Printed Material:

Speakers who intend to conduct a formalized Power Point presentation or provide printed material must notify the Clerk of the Board's Office by 12 noon on the Monday preceding the Tuesday Board meeting, insuring that the Clerk's Office has sufficient copies of all printed materials and at least one (1) copy of the Power Point CD. Copies of printed material given to the Clerk (by Monday noon deadline) will be provided to each Supervisor. If you have the need to use the overhead "Elmo" projector at the Board meeting, please insure your material is clear and with proper contrast, notifying the Clerk well ahead of the meeting, of your intent to use the Elmo.

Individual Speaker Limits:

Individual speakers are limited to a maximum of three (3) minutes. Please step up to the podium when the Chairman calls your name and begin speaking immediately. Pull the microphone to your mouth so that the Board, audience, and audio recording system hear you clearly. Once you start speaking, the "green" podium light will light. The "yellow" light will come on when you have one (1) minute remaining. When you have 30 seconds remaining, the "yellow" light will begin flash, indicating you must quickly wrap up your comments. Your time is up when the "red" light flashes. The Chairman adheres to a strict three (3) minutes per speaker. ***Note: If you intend to give your time to a "Group/Organized Presentation", please state so clearly at the very bottom of the reverse side of this form.***

Group/Organized Presentations:

Group/organized presentations with more than one (1) speaker will be limited to nine (9) minutes at the Chairman's discretion. The organizer of the presentation will automatically receive the first three (3) minutes, with the remaining six (6) minutes relinquished by other speakers, as requested by them on a completed "Request to Speak" form, and clearly indicated at the front bottom of the form.

Addressing the Board & Acknowledgement by Chairman:

The Chairman will determine what order the speakers will address the Board, and will call on all speakers in pairs. The first speaker should immediately step to the podium and begin addressing the Board. The second speaker should take up a position in one of the chamber aisles in order to quickly step up to the podium after the preceding speaker. This is to afford an efficient and timely Board meeting, giving all attendees the opportunity to make their case. Speakers are prohibited from making personal attacks, and/or using coarse, crude, profane or vulgar language while speaking to the Board members, staff, the general public and/or meeting participants. Such behavior, at the discretion of the Board Chairman may result in removal from the Board Chambers by Sheriff Deputies.