

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

156



**FROM:** Executive Office

**SUBMITTAL DATE:**

June 25, 2013

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

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

- 1) Resolution No. 2013-158, attached, as verbally amended by the Board on June 25, 2013, establishing the requirements, limitations, and procedures concerning use of solar power plant payments to dedicate 25 percent toward use in communities in the general vicinity of solar power plants for which payments are made and 75 percent toward general purpose use pursuant to a 4/5<sup>th</sup> vote of the Board; and,
- 2) Approve and direct the Auditor-Controller to make corresponding budget adjustments in Schedule A, attached, to implement the revised provisions of Resolution No. 2013-158.

**BACKGROUND:** On June 25, 2013, the Board approved Resolution No. 2013-158 with verbal amendments, and the budget adjustments accompanying it. The actions recommended here memorialize those actions and make further budget adjustments necessary to implement those amendments with regard to appropriation levels and commitments of fund balance from solar franchise revenue from the Desert Sunlight solar power project. Together with the prior action, the adjustments recommended leave \$195,500 in appropriations for staffing the solar program, \$400,000 committed toward renovation of the Lake Tamarisk Clubhouse for benefit of the local community, and the remaining \$503,813 in FY 11/12 and anticipated FY 13/14 fund balance committed toward general purpose use consistent with Resolution No. 2013-158.

Denise C. Harden, Principal Management Analyst

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ (125,290)	In Current Year Budget:	Yes
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	Yes
	Annual Net County Cost:	\$ 0	For Fiscal Year:	FY 13/14

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

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

BY:   
Ivan M. Chand 6/25/2013

**County Executive Office Signature**

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: July 2, 2013  
xc: E.O., Auditor

Kecia Harper-Ihem  
Clerk of the Board  
By:   
Deputy

**Prev. Agn. Ref.:** 06/25/13 #3-46, #3-47 **District:** All **Agenda Number:**

**3-50**

FISCAL PROCEDURES  
PAUL ANGULO, CPA, AUDITOR-CONTROLLER  
BY:   
6/26/13  
SAMUEL WONG  
Departmental Concurrence

Dep't Recomm.: ☐ Policy ☒ Consent  
Per Exec. Ofc.: ☐ Policy ☒ Consent

## Schedule A

### Decrease contributions to other funds:

22840-1104100000-551100	Contribution to other county funds	125,290
-------------------------	------------------------------------	---------

### Decrease committed fund balance:

22840-1104100000-330157	Committed fund balance for 4 <sup>th</sup> District benefit	378,523
-------------------------	---	---------

### Increase committed fund balance:

22840-1104100000-330156	Committed fund balance for community benefit	181,871
-------------------------	--	---------

22840-1104100000-330157	Committed fund balance for general purpose	321,942
-------------------------	--	---------

13 00450 00 1-01

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,

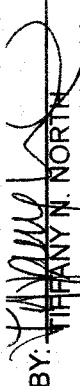
18 WHEREAS, except for experimental facilities, large-scale solar power plants have not  
19 previously been completed or operated anywhere in the state; and,

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

BY:  7/2/13  
Tiffany N. North  
DA

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 and 75 percent  
10 shall be committed toward appropriations for any general purpose use consistent with the limitations of this  
11 Resolution. All appropriations made pursuant to this Resolution shall have an articulated public purpose  
12 consistent with the objectives outlined in Board Policy No. B-29. Permissible appropriations of such  
13 payments include, but are not limited to, County programs for economic and employment development,  
14 employee training and retraining, affordable housing, promoting tourism, and other activities and programs  
15 to retain, preserve, attract, and grow agricultural, recreational, industrial and commercial uses. In all cases,  
16 appropriations of such solar power plant payments shall not be used to mitigate project-specific impacts,  
17 including but not limited to mitigation that would be required under the California Environmental Quality  
18 Act ("CEQA") or Ordinance No. 659, nor shall such solar power plant payments supplant such mitigation  
19 payments or development impact fees.

20         3.     SEPARATE FUND AND ACCOUNTING. All such payments shall be deposited into  
21 and disbursed from a separate special revenue fund of the County hereby established entitled the "Solar  
22 Payment Revenue Fund."

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

25     ROLL CALL:

26     Ayes:             Jeffries, Tavaglione, Stone, Benoit and Ashley  
27     Nays:             None  
28     Absent:           None

The foregoing is certified to be a true copy of a  
resolution duly adopted by said Board of Super-  
visors on the date therein set forth.

KECIA HARPER-IHEM Clerk of said Board

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




# MEMORANDUM

---

## RIVERSIDE COUNTY COUNSEL

**CONFIDENTIAL**  
**ATTORNEY-CLIENT PRIVILEGE**

DATE: July 2, 2013  
TO: Kecia Harper-Ihem, Clerk of the Board  
FROM: Tiffany N. North, Deputy County Counsel   
RE: Resolution No. 2013-158

---

County Counsel Pam Walls asked that I provide you with a form approved copy of Resolution No. 2013-158 for your files. This is related to agenda item 3-50 of July 2, 2013 and 3-46 of June 25, 2013. The form approved copy is attached. The attached resolution contains the verbal changes that were made at the Board on June 25, 2013.

Please let me know if you have any questions.

Thank you.

2013 JUL 2 11:00 AM

RECEIVED  
COUNTY OF RIVERSIDE  
COUNTY COUNSEL

RECEIVED RIVERSIDE COUNTY  
CLERK / BOARD OF SUPERVISORS  
2013 JUL -2 AM 9:40

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 and 75 percent  
10 shall be committed toward appropriations for any general purpose use consistent with the limitations of this  
11 Resolution. All appropriations made pursuant to this Resolution shall have an articulated public purpose  
12 consistent with the objectives outlined in Board Policy No. B-29. Permissible appropriations of such  
13 payments include, but are not limited to, County programs for economic and employment development,  
14 employee training and retraining, affordable housing, promoting tourism, and other activities and programs  
15 to retain, preserve, attract, and grow agricultural, recreational, industrial and commercial uses. In all cases,  
16 appropriations of such solar power plant payments shall not be used to mitigate project-specific impacts,  
17 including but not limited to mitigation that would be required under the California Environmental Quality  
18 Act ("CEQA") or Ordinance No. 659, nor shall such solar power plant payments supplant such mitigation  
19 payments or development impact fees.

20       3.       SEPARATE FUND AND ACCOUNTING. All such payments shall be deposited into  
21 and disbursed from a separate special revenue fund of the County hereby established entitled the "Solar  
22 Payment Revenue Fund."

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

25 g:\property\tnorth\ resolution 2012 252 solar da payments revised at bos.docx  
26  
27  
28