



BOARD AGENDA FACT SHEET

FOR CLERK USE ONLY	
DISCUSSION	BOS ACTION
# _____	# _____

EXECUTIVE OFFICE
Department /Agency

January 24, 2012
Requested Board Date

1. Request:

Board Approval

Information
Only/Presentation
Schedule Hearing
Time: 9:45 a.m.

Other (specify)

2. Requested Action:

1. Adopt RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL ESTABLISHING GUIDELINES FOR A PUBLIC BENEFIT PROGRAM FOR USE WITH SOLAR POWER PLANTS IN IMPERIAL COUNTY.
2. Provide direction for the creation of Restricted Accounts for the deposit of funds generated from the Public Benefit Program.
3. Provide direction on formation of advisory committees for the purpose of developing recommendations to the Board of Supervisors regarding the Agricultural Benefit and Community Benefit Programs.

^^Type requested action above^^

3. Cost \$ -0- Source: _____

4. If approval of Contract, reviewed/approved by County Counsel on:

Assigned by County Counsel's Office

5. If approval of position allocation change, approved by Human Resources on:

By: _____

Department Head/Agency Representative

****Back-up must be submitted Tuesday at 5:00 pm, 11 days prior to requested date.**

****Back up submitted must contain an Original and 11 copies.**

CEO/CLERK USE ONLY:

BOARD DATE: 1/24/12

Discussion Date: _____

Action

Filing _____

Consent _____

Presentation _____

Hearing _____

Other (specify) _____

Review:

Clerk

Date

CEO

1/18/12

Date

COUNTY EXECUTIVE OFFICE

Ralph Cordova, Jr.
COUNTY EXECUTIVE OFFICER



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January 17, 2012

Board of Supervisors
County of Imperial
940 Main Street
El Centro, CA 92243

SUBJECT: Public Benefit Program for Solar Projects

Dear Board Members:

Background:

This Board has committed to developing solar energy projects provided that environmental and economic negative effects and community concerns related to the solar projects are addressed. Solar projects have been reviewed and analyzed on an individual basis as directed by the Board. The County has held public scoping meetings, public hearings, and formed an *ad hoc* committee that met numerous times. This process has resulted in the development of the attached proposed set of guidelines. If approved, these guidelines could be used in the future to help provide general guidance in addressing the negative effects and community concerns of solar energy projects.

There are currently many solar energy projects at various stages of development being proposed in Imperial County, seeking to take advantage of Imperial County's solar, land and electrical transmission resources. The attached Public Benefit Program guidelines have been prepared to use in discussions between county staff and the applicants for each individual project. The County of Imperial will continue to analyze all solar projects on an individual basis and it is anticipated that there may be substantial differences between projects.


Requested Action:

1. Adopt RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL ESTABLISHING GUIDELINES FOR A PUBLIC BENEFIT PROGRAM FOR USE WITH SOLAR POWER PLANTS IN IMPERIAL COUNTY.

2. Provide direction for the creation of Restricted Accounts for the deposit of funds generated from the Public Benefit Program.
3. Provide direction on formation of advisory committees for the purpose of developing recommendations to the Board of Supervisors regarding the Agricultural Benefit and Community Benefit Programs.

Sincerely,

Ralph Cordova, Jr.
County Executive Officer

By: 

Andy Horne, Deputy
County Executive Officer

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL
ESTABLISHING GUIDELINES FOR THE PUBLIC BENEFIT PROGRAM FOR USE WITH
SOLAR POWER PLANTS IN IMPERIAL COUNTY
RESOLUTION NO. 2012-___**

WHEREAS, the State of California has mandated that 33 percent of the total electricity sold to retail customers by December 31, 2020 come from renewable energy resources and 75 percent of all such renewable energy resources must be from in-state sources by 2017; and,

WHEREAS, the California Renewable Energy Transmission Initiative ("RETI") specifically identifies Imperial County as a major source of solar energy generation necessary to reach this goal; and,

WHEREAS, the County of Imperial anticipates that it will play a major role in assisting the State of California in meeting its renewable energy and greenhouse gas reduction objectives in the years to come; and,

WHEREAS, there are currently many solar energy projects being proposed for development, seeking to take advantage of Imperial County's solar, land and electrical transmission resources; and,

WHEREAS, solar energy projects may not create the economic advantages or permanent employment opportunities that other development could offer; and,

WHEREAS, while the County of Imperial wishes to do its part in assisting the State of California and RETI in meeting their renewable energy goals, it does not want this accomplished at the expense of its residents, since solar power plants that commit vast areas of Imperial County to energy production may preclude all other potential uses, including, agricultural and open space uses; and

WHEREAS, the Imperial County Board of Supervisors supports the development of renewable energy projects within the county, provided that all environmental and economic negative effects and community concerns related to those projects are fully addressed; and,

WHEREAS, on March 1, 2011, the Imperial County Board of Supervisors committed to developing solar energy projects while addressing all environmental and economic negative effects and community concerns related to solar projects. Such commitment is referred to generally as the "Public Benefit Program;" and

WHEREAS, the Imperial County Board of Supervisors has held public scoping meetings, public hearings and has formed a committee that has met on numerous occasions to provide additional guidance and input to improve the Public Benefit Program; and

WHEREAS, the County of Imperial Public Benefit Program is designed to address concerns expressed by the local community and others related to negative effects of these projects; and

WHEREAS, in order to properly address the concerns of the community, the County of Imperial encourages and recommends that developers participate in the Public Benefit Program, on all utility-scale solar projects.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors for the County of Imperial approves the attached Public Benefit Program guidelines for negotiating specific agreements with developers of utility-scale solar projects.

PASSED AND ADOPTED by the Board of Supervisors, County of Imperial, State of California, on this ____ day of _____, 2011 by the following vote:

Michael W. Kelley, Chairman
Imperial County Board of Supervisors

Sylvia Bermudez, Clerk of the Board
County of Imperial, State of California

DRAFT

Guidelines for the Public Benefit Program for Use with Solar Power Plants in Imperial County

The Board of Supervisors for the County of Imperial approves the following Public Benefit Program guidelines for negotiating specific agreements with developers of utility-scale solar projects.

Agriculture Benefit

County should receive an agriculture benefit when the solar project is being located on farmland within the County, which will be used for offsetting temporary negative effects to the community, local economy and agriculture industry. Such uses may include, but are not limited to, stewardship, protection, and enhancement of agricultural lands within Imperial County; tools, technology, and techniques for protection of agriculture commodities or increase of crop yields; and support of programs or projects that increase agriculture industry employment opportunities. Guidelines for the payment should be as follows:

1. One Time Payment Amount:
 - a. For every acre of Prime Farmland - \$5,000 per acre.
 - b. For every acre of Farmland of Statewide Importance - \$2,000 per acre.
2. Farming Reduction: In an effort to encourage the use of less productive farm land, the base amount may be reduced by ten (10) percent for each year of the last 10 years prior to issuance of the Conditional Use Permit ("CUP") that the land was not farmed. Land fallowed under the IID following program shall be counted as a farmed year.
3. Field Crop Reduction: Also, to encourage the use of less productive farm land, after the above "Farming Reduction" is applied, the resulting total may then be further reduced by five (5) percent for each year of the last ten (10) years prior to issuance of the CUP that the land was dedicated to the production of Field Crops as defined in the Imperial County Agricultural Commissioner's Report.

Community Benefit

County should receive a community benefit in order to provide for a concerted and coordinated effort to maximize the benefits of the solar project to the County of Imperial and its residents. Such benefits might include, but are not limited to, infrastructure improvement, job creation, economic development and enhancement to the quality of life in neighboring communities. Guidelines for the annual payments should be as follows:

1. Annual Payment Amount:
 - a. Years 1-10: \$150 per project acre
 - b. Years 11 through end of project: \$200 per project acre plus applicable CPI.
2. Incentives and credits may be provided, as negotiated, for local hire, veteran hire, permanent hire or early start.

Sales Tax Benefit

It is the goal of the County to maximize the sales tax revenue received during the construction of solar plant projects. This revenue may be used to provide for a concerted and coordinated effort to maximize the benefits of the project to the County of Imperial and its residents. Such benefits may include, but are not limited to, infrastructure improvement, job creation, community services, economic development and enhancement to the quality of life in neighboring communities. The following should be implemented to meet this goal:

1. Developer, to the extent permissible by law, will require that the developer and all qualifying contractors and subcontractors obtain the appropriate Board of Equalization permit that allows allocation of all eligible use tax payments to County of Imperial.
2. Developer, to the extent permissible by law, will guarantee that the County and the Imperial County Local Transportation Authority ("LTA") will receive a specified amount of the expected sales tax revenue.

Other Benefits

If the project proposes to provide additional benefits to the community, such benefits should be considered.

Voluntary Agreement

It is optional for each Developer to enter into a public benefit agreement. If a Developer chooses to enter into a public benefit agreement, such agreement shall be set forth in a legally acceptable form approved by County Counsel such as a development agreement. Each project must be looked at individually.

Guideline Updates

The intent of the Public Benefit Program and these guidelines is to continually address the negative effects on the community. The Board of Supervisors will periodically reevaluate the guidelines to insure that the objectives of the Public Benefit Program are met.

