

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL
AMENDING GUIDELINES FOR THE PUBLIC BENEFIT PROGRAM FOR USE WITH
SOLAR POWER PLANTS IN IMPERIAL COUNTY**

RESOLUTION NO. 2023-190

WHEREAS, the State of California has mandated that 60 percent of the total electricity sold to retail customers by December 31, 2030, and 100 percent by December 31, 2045, come from renewable energy resources, and that greenhouse gas emissions are reduced to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050; and,

WHEREAS, the California Renewable Energy Transmission Initiative 2.0 ("RETI 2.0") 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 2.0 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 January 24, 2012, 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, on June 26, 2012, the Imperial County Board of Supervisors consummated the Program by approving the formation of two advisory committees for the Agricultural and Community Benefit Programs to provide recommendations for the distribution of the Public Benefit Funds; and

WHEREAS, since their inception, the Board has duly considered the input of the two Advisory Committees for the purpose of determining the specific elements and establishing the procedures for allocating funds under the Programs; and

BOS ADOPTED: 11-07-23

M.O. #17a

WHEREAS, on May 09, 2023, the Imperial County Board of Supervisors amended the guidelines to add a third advisory committee for the Public Service Benefit Program to replace the two advisory committees for the Agricultural and Community Benefit Programs; and

WHEREAS, on November 07, 2023, the Imperial County Board of Supervisors amended the guidelines to confirm that County of Imperial will oversee and administer the Public Service Benefit Funds; 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 amended Public Benefit Program guidelines for negotiating specific agreements with developers of utility-scale solar projects.

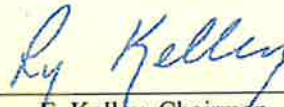
PASSED AND ADOPTED by the Board of Supervisors, County of Imperial, State of California, on this 7th day of November, 2023 by the following vote:

AYES: Escobar, Plancarte, M. Kelley, R. Kelley

NAYES: Hawk

ABSTAINED: None

ABSENT: None



Ryan E. Kelley, Chairman
Board of Supervisors

ATTEST:



Blanca Acosta, Clerk of the Board

**GUIDELINES FOR THE PUBLIC BENEFIT PROGRAM
FOR USE WITH SOLAR POWER PLANTS IN IMPERIAL COUNTY**

(Amended November 07, 2023 by the Board of Supervisors)

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.

SOLAR POWER PLANTS APPROVED BY THE COUNTY ON OR AFTER MAY 9, 2023

PUBLIC SERVICE AGREEMENT

It is the goal of the County to contribute to the Agriculture, Community and Public Service benefits. The public service benefit will help offset the costs of Imperial County Public Services (Law Enforcement, Fire Protection, Public Works, and other services provided by the County of Imperial). All new solar developments can voluntarily enter public service agreements at a new fee cost for the Public Service Benefit.

Guidelines for the Annual Payments

Annual Payment Amount beginning May 9, 2023.

- a. \$600 per farmland project acre, as defined by the Imperial County General Plan – Agricultural Element and in production in last ten years; and \$450 per non-farmland project acre for the life of the project.
- b. Costs associated with the per acre payment shall be annually adjusted to add a fixed Consumer Price Index (CPI) increase of 2.5%.
- c. Twenty percent (20%) of the Public Service Benefit is allocated to the Agriculture and Community Benefit Funds.
- d. Eighty percent (80%) of the Public Service Benefit is allocated to the Public Services Fund.

SALES TAX BENEFIT

Public Service Agreements will require a Sales Tax Condition/Guarantee. Requiring that Developer and all qualifying Engineering, Procurement, and Construction (EPC) contractors and subcontractors obtain a California Department of Tax and Fee Administration (CDTFA) sub-permit for the jobsite and allocate all eligible sales/use tax payments be posted to Imperial County (Jurisdiction Code 13998) and the Local Transportation Authority.

Sales Tax Guarantee amounts are calculated at the expected sales/use tax amounts to be generated from the purchase of materials used in the construction and regular maintenance of

the project. The Material Purchases amount will be derived from the Fiscal and Economic Impact Analysis & Job and Employment Analysis (FEIA & JEIA) report.

VOLUNTARY AGREEMENT

It is optional for each Developer to enter into a public benefit program agreement. If a Developer chooses to enter into a public benefit program 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 reviewed 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 ensure that the objectives of the Public Benefit Program are met.

**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. 2012-005**

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

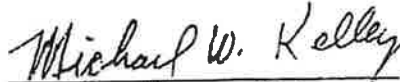
WHEREAS, the County of Imperial Public Benefit Program is designed to address concerns expressed by the local community and others related to negative effects of these projects; and

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.

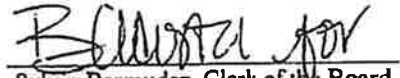
BOS APPROVED: 01-24-12
M.O. #14

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 24TH day of January, 2012 by the following vote: Renison, Terrazas, Kellev, Wyatt, Castillo



Michael W. Kelley, Chairman
Imperial County Board of Supervisors



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