

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

**A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATIVE OFFICER TO EXECUTE
A FUNDING AGREEMENT TO IMPLEMENT A TAX NEUTRALITY REQUIREMENT**

RESOLUTION NO._____

WHEREAS, the funding Agreement to Implement Tax Neutrality Requirement (“Agreement”) as described in Exhibit A is entered into as of the Effective Date by and between the Pacific Forest and Watershed Lands Stewardship Council, a California nonprofit public benefit corporation (“Stewardship Council”) and County of Lake; a public entity (“County”) with reference to the following; and

WHEREAS, the Stewardship Council was created to oversee the “Land Conservation Commitment” described in that certain Settlement Agreement among Pacific Gas and Electric Company (“PG&E”) Corporation, and the California Public Utilities Commission (the “Commission”) as modified and approved by the Commission in its Opinion and Order of December 18, 2003 (Decision 03-12-035) (the “Settlement Agreement”); and that certain Stipulation Resolving Issues Regarding the Land Conservation Commitment dated September 25, 2003 (the “Stipulation”). The Stewardship Council is anticipated to dissolve or otherwise wind down or cease to operate in the future; and

WHEREAS, pursuant to the Settlement Agreement and Stipulation, certain lands owned by PG&E at the time of the Settlement (the “PG&E Watershed Lands”) are to be conserved for a broad range of beneficial public values, including the protection of the natural habitat of fish and wildlife and plants; the preservation of open space; outdoor recreation by the general public; sustainable forestry; agricultural uses; and historic value. The Stewardship Council is charged with developing a Land Conservation Plan (“LCP”) for the protection and enhancement of the PG&E Watershed Lands; and

WHEREAS, in connection with the Land Conservation Commitment, approximately 891 acres of PG&E Watershed Lands in Lake County that PG&E agreed to make available for donation are anticipated to be donated to eligible organizations; and

WHEREAS, the Settlement Agreement requires that the LCP assess that any donation will not adversely impact local tax revenue, and the Stipulation requires that an appropriate entity provide property tax revenue, other equivalent revenue source, or a lump sum payment so that the totality of the dispositions in each affected county under the Land Conservation Commitment will be tax neutral for that county (“Tax Neutrality Requirement”). By and through the Agreement, the County and Stewardship Council desired, among other things, to confirm and acknowledge that the Tax Neutrality Requirement has been met; and

RESOLUTION NO. _____

WHEREAS, in consideration of the covenants and obligations set forth herein, the Stewardship Council intends that the funding be provided to County as described below, and County desires to accept such funding, all subject to the terms and conditions described in the Agreement.

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of the County of Lake that the Agreement shall become effective as of the last date it has been signed by both parties, ("Effective Date"). The provisions of the Agreement shall survive the closing of the transaction contemplated hereby and Stewardship Council's dissolution, winding down or ceasing operations; and

BE IT FURTHER RESOLVED, that the County Administrative Officer is hereby authorized to execute the funding agreement to implement tax neutrality; and

BE IT FURTHER RESOVLED, that the County of Lake will receive the Tax Neutrality Requirement payment in a lump sum payment to the County in the amount of \$796,993 within 60 days after the closure of each applicable land donation or the execution of a tax neutrality funding agreement, whichever comes later; and

BE IT FURTHER RESOLVED, within 60 days of the execution of the Agreement, the Stewardship Council will make a one-time reimbursement of up to \$3,000 to County for its administrative costs to set up the process to allocate payments to special districts consistent with the methodologies described in Division 1 of the California Revenue and Taxation Code.

THIS RESOLUTION WAS PASSED AND ADOPTED by the Board of Supervisors of the County of Lake at a meeting thereof on _____, 2019, by the following vote:

AYES:

NOTES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

APPROVED AS TO FORM:
ANITA L. GRANT
County Counsel

Chair, Board of Supervisors

ATTEST:
CAROL J. HUCHINGSON
Clerk of the Board
