

**STATE OF CALIFORNIA****Energy Resources Conservation and Development Commission****In the Matter of:**

**APPLICATION FOR  
CERTIFICATION FOR THE  
HIDDEN HILLS SOLAR ENERGY  
GENERATION PROJECT**

**DOCKET NO. 11-AFC-2****Docket No. 11-AFC-2****TESTIMONY OF PROPOSED INTERVENOR COUNTY OF INYO****GENERAL PROJECT COMMENTS**

**TESTIMONY:** Chair, Inyo County Board of Supervisors, Supervisor Linda Arcularius; Inyo County 5<sup>th</sup> District Supervisor, Supervisor Matt Kingsley; Inyo County Administrator, Kevin Carunchio

**QUALIFICATIONS:** The qualifications are included in Appendix A to this Testimony

**PRIOR FILINGS:** The County's Prior Filings are set forth in its Socioeconomic Testimony and incorporated herein.

**SUMMARY<sup>1</sup>:***The Proposed Project.*

BrightSource Energy proposes to construct a 500 megawatt solar thermal facility in south-eastern Inyo County adjacent to the rural community of Charleston View. The proposed project will sit on 3200 acres, with the Old Spanish Trail road on the south and the Nevada state line on the east. The proposed project anticipates the construction of two 750 foot towers, each surrounding by approximately 85,000 mirrors. Electricity generated from the site will be

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<sup>1</sup> This Testimony incorporates the County's general comments on the project and its related impact. This Testimony is in addition to the Testimony offered with respect to specific sections of the Final Staff Assessment ("FSA").

transmitted from the site through a new transmission line to the El Dorado substation in Nevada and from there to California. The natural gas will be supplied to the project from a new gas transmission line to be constructed in Nevada. The project proponent states that power purchase agreements (“PPA”s) have been signed with PG&E, although such agreements were not produced by the applicant during these proceedings.

### *The Site Location.*

The proposed project site is located in a remote area of Inyo County. According to latest census data, approximately 180 people reside in the vicinity of the project site in the communities of Shoshone, Tecopa and Charleston View. The project and these communities are located over 200 miles from the County’s service centers in the Owens Valley and are served with limited County staff operating out of satellite offices located in Shoshone and Tecopa.

The small residential community of Charleston View offers few services to its residents. At this time, Charleston View has no retail or commercial establishments nor is there a place where the community can gather. Its residents must travel to the communities of Tecopa or Shoshone for County services. Near the project site, the St. Theresa Mission is under construction and is permitted for a restaurant, in addition to a columbarium, place of worship and visitor’s center. Residents in the area of the project must provide their own water through residential wells, there is no “land-line” telephone service, cellular telephone service is limited and unreliable and internet access is primarily limited to satellite providers.

The current landscape around the project site is one of vast desert with unobstructed views of the Spring Mountains and the Nopah Range. The limited number of residents and structures allows the residents a rural life style uninfringed by the growth seen in many desert regions.

### *Inyo County Budget.<sup>2</sup>*

The County provides services to this region through six full-time equivalent employees operating out of offices in Tecopa and Shoshone, including 2 deputies and 2 road department workers. The remaining employees perform multiple tasks. When necessary, County staff from the Owens Valley travel to the area to provide other needed services. Due to the distance from the Owens Valley, most employees traveling to provide services to this remote region stay the night, requiring the County to incur per diem and lodging costs. In order to minimize budgetary impacts, County departments will, when possible, perform multiple tasks during a visit to the area.

There is a limited amount of private land in Inyo County which results in significant challenges to economic development with the County. The limited opportunities for economic development

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<sup>2</sup> A more detailed analysis of the County’s budget is provided in the Socioeconomic portion of the County’s testimony, which is incorporated herein.

result in a small tax base for the County. Despite its vast size, the County serves its 18,500 residents with a budget of approximately \$80 million, of which \$50 million represents the County's general fund. Each year the Board of Supervisors is faced with the daunting task of providing essential services to County residents located throughout the County's 10,000 square miles. During the past few years, the County has been able to meet those needs, in part, by the imposition of hiring and salary freezes. County employees have not received a cost of living adjustment since 2009. In addition, the County is faced with a growing list of deferred maintenance projects which outpace available funds.

During fiscal year 2012-2013 the County budgeted only \$55,000 for unforeseen budgetary contingencies. Additional service demands caused by the construction or operation of the project would prove devastating to the County and its residents.

*Inyo County Codebook of Ordinances, Title 21.*

Historically, Inyo County has recognized the importance of maximizing its natural resources. Mining and renewable energy exploration and development, particularly in the area of geothermal resources, are critical components to the County's overall economic viability. The County regularly advocates for the continued development of such resources on lands within the County and, similarly, has fought efforts to limit such development.

It was in this vein that the County adopted Title 21, Inyo County Renewable Energy Ordinance (1158 §3, 2010). This ordinance furthers the County's commitment to the economic development of its natural resources while protecting its environment. As with all private development, however, the ordinance requires that project related impact costs are bore solely by the project applicant and not by the residents of Inyo County. Title 21 further recognizes that renewable energy projects may result in a requirement that the project proponents set aside mitigation lands in order to mitigate for environmental impacts. Due to the scarcity of private lands in Inyo County, Title 21 requires that the impacts to the County's economy caused by the siting of any mitigation lands within the County be fully mitigated. Moreover, Title 21 requires that the residents of Inyo County share in the benefits of the project, recognizing that the size of project could result in impacts which cannot be fully quantified or adequately mitigated.

Title 21 also requires the protection of the County's environment, in particular its groundwater resources. Given the County's century long history involving the impacts resulting from groundwater extraction, protecting this precious resource is critical.

*Project Impacts to Charleston View.*

The proposed project will impact the local residents in Charleston View in ways which cannot be quantified. The sheer size of the proposed project, with its two 750 foot towers and 170,000 mirrors will forever change the look and feel of this rural community. The construction period

will bring thousands of heavy trucks delivering materials and goods to the project site, in addition to thousands of workers, all along the two lane Old Spanish Trail, a County road neither designed for nor intended for the anticipated traffic. Moreover, the area's residents will have to bear the inconvenience of fighting that traffic to accomplish life's basic tasks, such as going to the market or the doctor. Since the applicant proposes to have construction crews working day and night, noise and light pollution which is currently non-existent, will additionally impact the local residents. Night time work will continue throughout the operation of the project, with that time devoted to cleaning the 170,000 mirrors.

Mitigation cannot reduce the impacts on the local residents to below significant. The impacts also raise environmental justice concerns because the project is within a block of a community designated as economically disadvantaged, meaning many of the residents lack the financial ability to escape.

## CONCLUSION

### *Overall Concerns.*

The County's overall concerns with the proposed project are as follows:

1. The proposed project must bear any and all project related service costs incurred by the County. The County cannot absorb such costs and Title 21 mandates that those costs be paid by the project proponent. Moreover, if the County's limited supply of private land is set permanently set aside for mitigation, the County's future economic opportunities will be significantly adversely impacted. In order to assure the County is adequately protected from all of these potential impacts and that the proposed project complies with Title 21, the modifications to the proposed Findings and the adoption of the proposed Conditions of Certification contained in the County's Socioeconomic testimony are necessary.
2. The County supports the proposed groundwater mitigation and monitoring program and believes it is essential to protect both the residents and the fragile environment located within the vicinity of the proposed project site. The County requests certain modifications to certain Conditions of Certification within the Water Supply section in order to assure the project does not detrimentally impact the County's legal obligation to monitor the groundwater basin from which the project will pump groundwater.
3. The County generally supports the findings and Conditions contained in the Land Use section and believes the project proponent must take all steps to bring the project into conformance with the County's General Plan and Zoning. The County maintains that the project site, consisting of 170 separate parcels, must be reduced to either one or three parcels (as initially suggested by the project proponent), through merger or lot

- line adjustments. The County agrees that the legal implication of the public dedication of the roads crisscrossing the project site fall outside the jurisdiction of the CEC. Furthermore, the County agrees that a reclamation plan compliant with Title 21 is necessary. The County is requesting certain modifications to the Conditions of Certification within the Land Use Section to meet its concerns.
4. The classification of the communities within the vicinity of the project site as disadvantaged communities raises significant environmental justice concerns which have not been adequately addressed. The County agrees with the conclusions in the FSA that neither the visual or cultural impacts can be mitigated to a level below significant. Those impacts, coupled with the overall impacts to the community of Charleston View noted above, warrant conditions of certification necessary to minimize the overall impacts from the proposed project.

#### *Recommended Conditions of Certification*

In order to lessen the significant impacts to the residents of Charleston View, the following Conditions of Certification should be ordered.

GENERAL COC-1: Project owner shall construct and maintain a facility in the community of Charleston View at which the local residents may use for a meeting place. The facility may be combined with other uses, such as fire, emergency services and/or law enforcement.

Verification: Within 180 days of the commencement of construction, project owner shall provide the location and plans and specifications for the facility, which shall be constructed and become operational no later than the commencement of operations.

GENERAL COC-2: Project owner shall construct a cellular communications tower on the project site and allow its use by any cellular communications company for the purpose of expanding and/or improving cellular communications service to the vicinity of the project site, including the community of Charleston View. To the extent necessary, the project owner shall work with the County to secure a cellular communications company to provide such service.

Verification: Within 180 days of the construction of a cellular communication tower, the project owner shall provide the status and progress made toward fulfilling this condition to the CPM and the County of Inyo.

GENERAL COC-3: Within 30 days of the commencement of construction, project owner shall provide financial compensation to each resident in Charleston View in an amount which would be sufficient for the resident to relocate to a location away from the project site. The amount of mitigation compensation shall be approved by the CPM after consultation with the County of Inyo and, to the extent practical, the residents of Charleston View.

#### GENERAL PROJECT COMMENTS COUNTY OF INYO

Verification: Within 30 days of the commencement of construction project owner shall provide proof of the agreed upon amount of the economic mitigation and proof of payment to each resident of CharlestonView.

## **APPENDIX A**

### **GENERAL STATEMENT OF QUALIFICATIONS, RESUMES AND DECLARATIONS**

- 1. Claude Gruen – Mr. Gruen’s resume and declaration.**
- 2. Nina Gruen – Ms. Gruen’s resume and declaration.**
- 3. Eric Myers – Mr. Myers’ resume and declaration.**
- 4. County Elected Officials, Department Heads and Employees:**
  - a. Supervisor Linda Arcularius: Supervisor Arcularius represents Inyo County’s First District and is the current chairperson of the Inyo County Board of Supervisors. Supervisor Arcularius has represented the First District since 1993.**
  - b. Supervisor Matt Kingsley: Supervisor Kingsley represents Inyo County’s Fifth District, which includes the location of the proposed project site. Supervisor Kingsley has represented the Fifth District since January 2013.**
  - c. Kevin Carunchio, Inyo County Administrator and Budget Officer: Mr. Carunchio has served as the County’s administrative officer and budget officer since December 2007.**
  - d. Leslie Chapman, CPA, Inyo County Auditor/Controller: Ms. Chapman was elected Inyo County Auditor/Controller in 2002 and took office January 2003.**
  - e. Bill Lutze, Inyo County Sheriff: Sheriff Lutze has been employed with the Inyo County Sheriff’s Department since 1973, working his way through the ranks of Deputy, Sergeant, Lieutenant, and Under-Sheriff. Sheriff Lutze was a resident Deputy in Shoshone from 1975 to 1980. Sheriff Lutze was elected Inyo County Sheriff in 2006 and has served as Sheriff since he took office in January 2007.**
  - f. Thomas Lanshaw, Inyo County Assessor: Thomas Lanshaw was elected Inyo County Assessor in 1998 and has served as Assessor since taking office in 1999.**
  - g. Doug Wilson, P.E., Interim Director, Inyo County Public Works: Mr. Wilson has served as Interim Public Works Director for the County on two occasions. The first from 2008 to 2009 and again, commencing 2010 to the present.**
  - h. Jean Turner, M.A., Director, Inyo County Health and Human Services: Ms. Turner has served as Director of the Inyo County Health and Human Services Department since September, 2003.**
  - i. Robert Harrington, Ph.D., R.G., Director, Inyo County Water Department: Dr. Harrington has served as Director of the Inyo County Water Department since 2008. His resume and declaration are attached.**

j.        **Brandon Shults, Director, Inyo County Information Services: Mr. Shults has served as the Director of Inyo County Information Services since January, 2002.**

k.        **Joshua Hart, Director, Inyo County Planning Department: Mr. Hart has served as the Director of the Inyo County Planning Department since 2010.**



## ATTACHMENT 1

DECLARATION OF

CLAUDE GRUEN

I, CLAUDE GRUEN, declare as follows:

1. I am a principal in Gruen, Gruen + Associates.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. Together with my partner, Nina Gruen, I prepared The Reliability of Energy Commission Forecasts of the Socioeconomic Impacts of the Proposed Hidden Hills Solar Electric Generating System (HHSEGS). This report was prepared based on our independent analysis of the AFC, PSA, FSA, supplements, data, documents, and analysis and based upon our professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: Claude Gruen

At: San Francisco, California

## RÉSUMÉ OF CLAUDE GRUEN

### EDUCATION

Ph.D. Economics, University of Cincinnati, 1964  
M.A. Economics, University of Cincinnati, 1962  
B.B.A. Business, University of Cincinnati, 1954

### PROFESSIONAL HISTORY

- 1970 - Present Principal Economist and President of Gruen Gruen + Associates (GG+A), a research-based consulting organization providing market, economic and financial analyses for real estate and public policy decisions. Since the founding of GG+A in 1970, Dr. Gruen has led or played a key role in the completion of more than 1,200 assignments for major corporations, public entities and individual investors. Feasibility, valuation and highest and best use studies led by Dr. Gruen have helped private investors and developers and public agencies at the state and local level avoid bad real estate-related investments and identify and help implement projects that are financially, socially and environmentally beneficial. He has testified in support of real estate matters in California, Nevada and Illinois courts, and written opinion on complex real estate issues for local and state real estate regulating agencies. He served on the boards of real estate investment trusts charged with approving valuations, purchases and sales from 1993 until 2012. Serving as Special Masters for the United States District Court, Northern California, Claude Gruen, Nina Gruen and the staff of GG+A have remediated the formerly contaminated site of an abandoned steel mill in Union City, CA and developed the land into a transit-oriented development with more than 700 homes, next to the Union City BART station.
- 1964-1970 Senior Consulting Economist, Arthur D. Little, Inc. San Francisco, California, and faculty member of the University of California's School of Business Administration and the Department of City and Regional Planning, 1964-1970
- 1963-1964 Instructor, Economics Department, Xavier University  
Director of Research, Better Housing League, Cincinnati, Ohio.
- Military U.S. Air Force - Active Duty 1954-57  
Service Highest Rank: Captain

### OTHER ACTIVITIES AND AFFILIATIONS

- Director of RREEF America I Real Estate Investment Trust – Started in 1995 with \$262 million, this REIT grew its assets to over \$800 million. In 2005, Mr. Gruen and his fellow directors voted to liquidate the REIT. The REIT had earned its investors annual returns of 12.6% per year during its life.
- Director of RREEF America III Real Estate Investment Trust, an opportunity fund, 2003 - 2012.
- Contributing Editor: The Institutional Real Estate Letter
- Member: The Western Regional Science Association, Lambda Alpha Honorary Land Economic Society, The Urban Land Institute, American Economic Association



**BOOKS**

New Urban Development: Looking Back to See Forward, Rutgers University Press, September 2010

“Market Analysis,” with Nina J. Gruen, Chapter 4B in Introduction to Redevelopment, First Edition, California Redevelopment Association, 1996

Mostly Real Estate, Gruen Gruen + Associates, 1995

Low and Moderate-Income Housing in the Suburb: An Analysis for the Dayton, Ohio Region, with Nina J. Gruen, Praeger Publishers, 1972

**PUBLISHED ARTICLES AND PAPERS**

“Market Perspectives” – twice yearly column in *The Institutional Real Estate Letter* since 2006

“Trends” - a monthly column in *The Institutional Real Estate Letter* from 1990 - 2006

“The Next Market,” with Nina J. Gruen and Aaron Gruen, *Urban Land*, February, 2006

“Choosing the Future: Cities in 2020” with Nina J. Gruen, *Exploring Scottsdale*, City of Scottsdale Planning & Development Services, June 2006

“The Year 2020” *Urban Land*, with Nina J. Gruen, February 2002

“Change is Here—Learn to Live With It,” with Nina J. Gruen, *Planning*, August, 2001

“Dispelling the Affordable Housing Myth”, *Journal of Property Management*, January/February, 2001

“Real Estate Demands of the New Economy,” *Journal of Property Management*, September/October, 2000

“Home Search — Factoring Housing Costs into Northern California’s Explosive Growth” with Nina J. Gruen, *California Real Estate Journal*, March, 1998

“Real Estate is Not a Commodity,” Commentary, *Urban Land*, November 1996

“Owner Participation - Redevelopment in Public/Private Partnerships Using Public Redevelopment Tools in the Place of Acquisition Dollars,” the California Redevelopment Association, February 1994

“Perspective: Real Estate Capital Search - A Return to Reason,” *Real Estate Forum*, May 1993

“Needed: A Broadened Environmentalism,” Commentary, *Urban Land*, February 1992

“Regional Government Won’t Do It,” Commentary, *California Real Estate Journal*, August 15, 1991

“New Town Communities: Direction for the 1990's - A White Paper,” Gruen Gruen + Associates, October 1990



## Resume of Claude Gruen

"Affordable Housing - Local Policies and the National Welfare" - paper presented to the U.S./U.K. Affordable Housing Conference, London, July 6, 1989

"The Economics of Requiring Office-Space Development to Contribute to the Production and/or Rehabilitation of Housing," *Housing Linkages*, The Urban Land Institute, April 1987

"Forecasting Labor's Role in the Workplace Market," with Nina J. Gruen and Richard Novak, *Urban Land*, 1987

"Demographic Changes and Their Effects on Real Estate Markets in the 1980's," with Nina J. Gruen and Wallace F. Smith, Development Component Series, The Urban Land Institute, Washington, D.C., 1980

"The Evolution of Rent Control," with Nina J. Gruen, *Urban Land*, August 1980

"Property Rights Ain't What They Used To Be," with Nina J. Gruen and Diane Spies, *Urban Land*, September 1979

Comments on "A Cynic's View of Zoning Reform," *Journal of the American Real Estate and Urban Economics Association*, Fall 1978

"Costs and Benefits of Land Use Regulations," in *Land Use: Tough Choices in Today's World*, ed., The Soil Conservation Society of America, Ankeny, Iowa 1977

"The Role of the Expert in Land Use Litigation," *Practicing Planner*, The American Institute of Planners, April 1976

"The Economic of Petaluma: Unconstitutional Regional Socioeconomic Impacts," in Management and Control of Growth, Volume II, ed., The Urban Land Institute, 1975

"The Impacts of Growth: An Analytical Framework and Fiscal Example," in Management and Control of Growth, Volume II, ed., The Urban Land Institute, 1975.

"Housing Policy and Class Integration," with Nina J. Gruen, *The Annals of Regional Science*, December 1971

"Systems Analysis Applied to the Problems of Local Urban Government," 1966 meeting of the Institute of Management Sciences, Dallas, TX

"A Behavioral Approach to Determining the Optimal Location for the Retail Firm," with Nina J. Gruen, *Land Economics*, August 1967

"Store Location and Customer Behavior," with Nina J. Gruen, Technical Bulletin#56, The Urban Land Institute, Washington, D.C. 1966

"Urban Renewal's Role in the Genesis of Tomorrow's Slums," *Land Economics*, August 1963



## ATTACHMENT 2

DECLARATION OF

NINA GRUEN

I, NINA GRUEN, declare as follows:

1. I am a principal in Gruen, Gruen + Associates.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. Together with my partner, Claude Gruen, I prepared The Reliability of Energy Commission Forecasts of the Socioeconomic Impacts of the Proposed Hidden Hills Solar Electric Generating System (HHSEGS). This report was prepared based on our independent analysis of the AFC, PSA, FSA, supplements, data, documents, and analysis and based upon our professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: Nina Gruen

At: San Francisco, California

## NINA J. GRUEN, PRINCIPAL SOCIOLOGIST

### Technical Areas of Specialization

#### Real Estate Market Evaluations and Programming

Estimating the effects of cultural, technological and demographic change upon land use and development patterns. Since 1970, Ms. Gruen has either directed or provided major research inputs to over 1,200 Gruen Gruen + Associates studies.

### Education

University of Cincinnati, B.A. with high honors in Psychology, 1962

University of Cincinnati, M.A. in Psychology, 1963

University of California, Ph.D. program in Sociology (not completed), 1965-1966

### Professional Experience

Nina J. Gruen, Principal Sociologist and Executive Vice President of Gruen Gruen + Associates, specializes in the application of sociological, demographic and other social research techniques to marketing, planning and public policy issues. She has designed and directed a broad variety of studies utilizing these techniques to probe into the attitudes, motivations, preferences and behavior of important groups for both public and private sector clients. She has used these techniques to help define product and geographic markets for antitrust and land use litigation cases. She has also analyzed the way in which alternative policies are likely to influence the economic well-being and land use of a community and region. Since 2000, Ms. Gruen has served as Special Master for the United States District Court, Northern District of California, in the matter of *Cordova et al v. Pacific States Steel Corp., et al*, C-82-4209NVH.

Ms. Gruen has published over 60 articles in *Urban Land*, *Land Economics*, *The Annals of Regional Science*, *ASPO: The Planning Magazine*, *Forum Magazine*, *The Institutional Real Estate Letter*, as well as other publications. She has co-authored with Claude Gruen *Low- and Moderate-Income Housing in the Suburbs: An Analysis for the Dayton, Ohio Region* (Praeger Publishers, Inc. 1972). Some of her more recent publications include "In-Store Retailing: A Tsunami of Change" (*Urban Land*, November/December 2011); "Boomers, Echo's and X's: Generational and Other Structural Shifts and Their Impacts on Future Demand for Real Estate in the Coming Decade" Co-authored with Alan Billingsley (*RREEF Research Paper* No. 81, May 2011); "Replanning Small-City Downtowns" Co-authored with Aaron Gruen (*Urban Land*, March/April 2010).

### Professional and Honorary Memberships

- The Urban Land Institute: Board of Trustees 1982 – 1997; honorary member since 1997
- Western Regional Science Association, Past President (1984)



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**GRUEN GRUEN+ASSOCIATES**



- Chair of the State of California Transportation Commission Airspace Advisory Committee from January, 2002 through May, 2005. The AAC made recommendations to the California Transportation Commission concerning the use of Caltrans property not required for transportation or other departmental needs. During her 15-year tenure on this Committee, she was instrumental in encouraging the Division of Right-of-Way to prepare a 5-year Airspace Business Plan with built-in criteria to measure success. This was a first for the State of California Department of Transportation. In September, 2005 she was appointed to the CTC Real Estate Advisory Panel for a four-year term.
- International Women's Forum – Northern California, Past President (1995-1996), the Bay Area affiliate of International Women's Forum, a worldwide organization of preeminent women leaders.
- CREW (Commercial Real Estate Women)
- Lambda Alpha, an Honorary Land Economics Society
- Phi Beta Kappa (1962)

## BOOKS

"Market Analysis" with Claude Gruen, Chapter 4B in Introduction to Redevelopment First Edition, California Redevelopment Association, 1996

Low and Moderate-Income Housing in the Suburb: An Analysis for the Dayton, Ohio Region with Claude Gruen, Praeger Publishers, 1972

## PUBLISHED ARTICLES AND PAPERS

"In-Store Retailing: A Tsunami of Change" *Urban Land*, November/December 2011

"Boomers, Echo's and X's: Generational and Other Structural Shifts and Their Impacts on Future Demand for Real Estate in the Coming Decade" with Alan Billingsley, *RREEF Research* Paper No. 81, May 2011

"Replanning Small-City Downtowns" with Aaron Gruen, *Urban Land*, March/April 2010

"Can We Talk Ourselves into a Serious Recession?" *California Real Estate Journal*, May 19, 2008

"Consumer Preferences" *Urban Land*, October 2007

"Learning from Tijuana: Developing Housing for Hispanic Immigrants" *The Institutional Real Estate Letter*, August 2006

"Bright Lights, Big City: Successful Urban Cores Court Two Generations" *The Institutional Real Estate Letter*, July 2006



"Choosing the Future: Cities in 2020" with Claude Gruen, *Exploring Scottsdale*, City of Scottsdale Planning & Development Services, June 2006

"The Next Market" with Claude Gruen and Aaron Gruen, *Urban Land*, February, 2006

"Dropping Anchors: Are Grocery Stores Going the Way of Department Stores?" *The Institutional Real Estate Letter*, December 2005

"The Wal-Mart Effect: Déjà vu All Over Again" *The Institutional Real Estate Letter*, April, 2005

"Raising Educational Achievement in Low Performing Urban Schools?" *Gruen Gruen + Associates*, February, 2005

"Born to Shop ... Elsewhere" *The Institutional Real Estate Letter*, February, 2004

"Demographics Affect Demand Niches" *Urban Land*, January 2004

"No Longer a Perfect Fit – The Sociology Behind the New Economic Paradigm" *Institutional Real Estate Letter*, November 2002

"The Year 2020" *Urban Land*, with Claude Gruen, February 2002

"Concentrate on Downtown's Strengths" *Downtown Idea Exchange*, December 1, 2001

"What Makes a Successful Downtown?" *Street Beat*, Summer 2001

"Conceptualizing the Art Market" *The New World of Art*, April 21, 2001, pp. 28-31 (in Russian, with introduction by Alexander Borovsky)

"Change is Here—Learn to Live With It" with Claude Gruen, *Planning*, August, 2001

"Urban Divide" *Urban Land*, March, 2001

"What Makes a Successful Downtown or Town Center?" *Shaker, The Community Newsmagazine*, March/April, 2001

"Finding the Right Mix of Parking" *BOMA Bulletin*, June/July, 2000

"Demographic Change and the Effect on Housing Markets and Regional Development" *Journal of Property Management*, January/February, 2000

"What Makes a Successful Downtown" California Downtown Association Newsletter, November, 1999

"The Gospel of Entertainment" *Urban Land*, July, 1998



"Turning Silver into Gold" *Journal of Property Management*, May/June, 1998

"Home Search — Factoring Housing Costs into Northern California's Explosive Growth" with Claude Gruen, *California Real Estate Journal*, March, 1998

"Turning Silver into Gold" excerpt, *Urban Land*, June, 1997

"California Demographic Trends: Past, Present and Future" column, *Urban Land*, October and December, 1996

"Dear Ms. Real Estate" column, *Real Estate Forum*, February, May, September, 1996 and January, 1997

"Matrix of Societal and Land-Use Changes (1946-1996)" *Real Estate Forum*, September, 1996

"The Technological Revolution in Retailing — From Mall to Cyberspace" *Journal of Property Management*, November 1994

"What You Should Know and What You Can Do about the Revolutionary Changes in Retailing" *Western City*, May 1994

"America is Changing: Will Retailers and Real Estate Owners Get Out in Front?" with Elizabeth Howard, *Property*, Mellon/McMahan, Fall 1993

"Four Critical Shifts and Their Implications for Commercial Real Estate" *Institutional Real Estate Letter*, February 1993

"The Reinvention of Retailing" *Journal of Property Management*, January/February 1993

"Affordable Housing and the California Economy" *Urban Land*, October, 1992

"America, Circa 2001" *Journal of Property Management*, January/February, 1992

"If I Were A Residential Developer Today" *Urban Land*, August, 1991

"Demographic Shifts and Shifting Residential Markets: What I Would Do If I Were You" paper given at ULI-the Urban Land Institute Seattle Conference, April, 1991

"Response to Bay Vision 2020 Plan" a paper presented to the Real Property Law Section Retreat Panel, Silverado, CA, April 6, 1991

"Retail Fundamentals: Problems and Solutions" *Urban Land*, July, 1990

"Tax Break Can Relieve Housing Squeeze" Point of View Section, *San Francisco Chronicle*, December 11, 1989



## Resume of Nina Gruen

"The Only Game In Town: Fed's Low Income Housing Tax Credit" *Northern California Real Estate Journal*, August 14-27, 1989

"The Retail Battleground: Solutions for Today's Shifting Marketplace" *Journal of Property Management*, July-August, 1989

The Low-income Housing Tax Credit and Private Sector Investment in New and Rehabilitated Affordable Housing" a paper presented at the U.S./U.K. Affordable Housing Conference, London, July 6, 1989

"A Case History of the San Francisco Office/Housing Linkage Program" *Downtown Linkages*, ULI-the Urban Land Institute, April, 1987

"Forecasting Labor's Role in the Workplace Market" with Claude Gruen and Richard Novak, *Urban Land*, 1987

"Public/Private Projects: A Better Way for Downtowns" *Urban Land*, August, 1986.

"Demographic Changes and Their Effects on Real Estate Markets in the 1980's" with Claude Gruen and Wallace F. Smith, Development Component Series, The Urban Land Institute, Washington, D.C., 1980

"The Evolution of Rent Control" with Claude Gruen, *Urban Land*, August 1980

"Property Rights Ain't What They Used To Be" with Claude Gruen and Diane Spies, *Urban Land*, September 1979

"Gestalt Magnetism: What Is Special About Specialty Shopping Centers?" *Urban Land*, January, 1978

"In the Land Use Game . . . Who Gets the Monopoly on the Good Life?" *Urban Land*, September, 1977

"Will Consumer Demands Continue to Influence Residential Development?" *Urban Land*, October, 1976

"Man and His Neighbors Reexamined" *Planning*, January 18, 1973

"Housing Policy and Class Integration" with Claude Gruen, *The Annals of Regional Science*, December 1971

"A Behavioral Approach to Determining the Optimal Location for the Retail Firm" with Claude Gruen, *Land Economics*, August 1967

"Store Location and Customer Behavior" with Claude Gruen, Technical Bulletin#56, The Urban Land Institute, Washington, D.C. 1966



## ATTACHMENT 3

DECLARATION OF

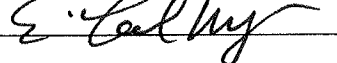
ERIC MYERS

I, ERIC MYERS, declare as follows:

1. I am an attorney, licensed to practice before all courts within the State of California. I am employed with MuniServices, LLC as corporate counsel.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I drafted the following reports: *Allocation of sales tax to the County's general fund from proposed solar plant* and *Analysis of the potential exemption for the mirrors*. These reports were prepared based my independent analysis of the Socioeconomic section of the FSA and based upon my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the socio-economic testimony relating to sales and use tax allocations and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: 

At: FRESNO, California

## Eric Myers, Esq. (CA Bar No. 210318)

### Recent Experience

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#### **Corporate Counsel, MuniServices, LLC.**

*August 2005-December 2006* I was the sole legal counsel for MuniServices—a Fresno-based company that contracts with local governments to provide tax-related services. I advised business units on matters related to employment law and the control and prevention of legal risks. I also reviewed and negotiated contracts with customers and vendors. And I managed one paralegal and a succession of legal clerks. During this period, I also assisted with the management buy-out of the company.

#### **General Counsel, MuniServices, LLC.**

*January 2007-June 2008* After the company was purchased in a management buy-out, I was promoted to the position of General Counsel and continued advising the company and negotiating contracts. I also participated in the sale of the company to Portfolio Recovery Associates (Nasdaq: PRAA) in June of 2008.

#### **Director, Local Tax Strategic Development & Advocacy/Associate Corporate Counsel, MuniServices, LLC.**

*July 2008-Present* After the sale of the company, I stayed on with the company but my role has changed. I currently work on local sales and excise tax matters—advising business units on strategies related to these areas and arguing administrative cases before the State Board of Equalization.

### Prior Legal Experience and Education

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**July 2002 thru July 2005.** Associate with Mary Beth de Goede & Associates. First chair on Special Education Due Process Hearings. Involvement in special education research, mediations, settlement negotiations. Exposure to issues in personnel, developer fees, CEQA, First Amendment, and FLSA. Second chair on the defense team defending a school district against a lawsuit for a refund of developer fees.

**August 2000 to July 2002.** Associate with Kimble, MacMichael & Upton. Exposure to insurance litigation, patent litigation, trademark prosecution, and general civil litigation. Involved in drafting and arguing motions, including anti-SLAPP motion and demurrers, drafting pleadings, drafting discovery and responding to discovery motions, exposure to client meetings, taking depositions, first chair in

a bench trial, drafting intellectual property agreements, research regarding international plant breeder's rights.

**1999.** Law Clerk at Kimble, MacMichael & Upton. Intern for Senator Hatch, focusing on natural resources and public lands.

**1998.** Research Assistant for Professor Cole Durham. Researching issues pertaining to religious freedom.

**1997-2000.** J.D. Brigham Young University, summa cum laude. Full Scholarship. High Score in Administrative Law and Disability Law. Elective courses in Intellectual Property, Water Law, Public Lands, Clean Water Act, Law and Economics, NAFTA, and basic mediation training.

## ATTACHMENT 4-a



DECLARATION OF  
INYO COUNTY SUPERVISOR LINDA ARCULARIUS

I, LINDA ARCULARIUS, declare as follows:

1. I am an Inyo County Supervisor, representing the First District. I currently serve as the Chairperson of the Inyo County Board of Supervisors.
2. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: Linda Arcularius

At: Independence, California

## ATTACHMENT 4-b

DECLARATION OF  
INYO COUNTY SUPERVISOR MATT KINGSLEY

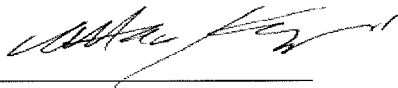
I, MATT KINGSLEY, declare as follows:

1. I am an Inyo County Supervisor, representing the Fifth District. The proposed project site is included in the Fifth District.
2. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: \_\_\_\_\_



At: Independence, California

## ATTACHMENT 4-c

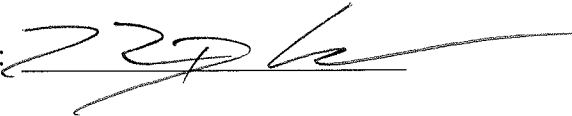
DECLARATION OF  
INYO COUNTY ADMINITRATOR/BUDGET OFFICER  
KEVIN CARUNCHIO

I, KEVIN CARUNCHIO, declare as follows:

1. I am the Inyo County Administrator and Budget Officer.
2. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: 

At: INDEPENDENCE, California

## ATTACHMENT 4-d

DECLARATION OF  
INYO COUNTY AUDITOR/CONTROLLER LESLIE CHAPMAN

I, LESLIE CHAPMAN, CPA, declare as follows:

1. I am the elected AUDITOR/CONTROLLER for Inyo County.
2. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: Leslie R. Chapman

At: Independence, California

## ATTACHMENT 4-e



DECLARATION OF  
SHERIFF WILLIAM LUTZE

I, WILLIAM LUTZE, declare as follows:

1. I am the elected Sheriff of Inyo County.
2. I have served as Sheriff since 2007. I have been employed by the Inyo County Sheriff's Department since 1973 and served as resident deputy in Shoshone from 1975 to 1980. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: \_\_\_\_\_

At: Independence, California

## ATTACHMENT 4-f

DECLARATION OF  
INYO COUNTY ASSESSOR THOMAS LANSHAW

I, THOMAS LANSHAW, declare as follows:

1. I am the elected ASSESSOR for Inyo county.
2. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: Thomas W. Lanshaw

At: Independence, California

## ATTACHMENT 4-g

DECLARATION OF  
INYO COUNTY INTERIM PUBLIC WORKS DIRECTOR

DOUGLAS WILSON, P.E.

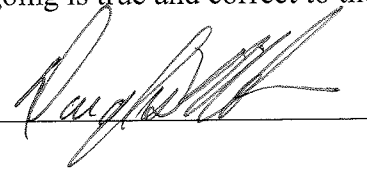
I, DOUGLAS WILSON, declare as follows:

1. I am the Interim Public Works Director for Inyo county.
2. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: \_\_\_\_\_



At: Independence, California

## ATTACHMENT 4-h

DECLARATION OF  
INYO COUNTY HEALTH AND HUMAN SERVICES DIRECTOR

JEAN TURNER, M.A.

I, JEAN TURNER, declare as follows:

1. I am the Director of Inyo County Health and Human Services.
2. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed:

Jean Turner

At: Bishop, California

## ATTACHMENT 4-i



DECLARATION OF  
INYO COUNTY WATER DEPARTMENT DIRECTOR

ROBERT HARRINGTON, Ph.D, R.G.

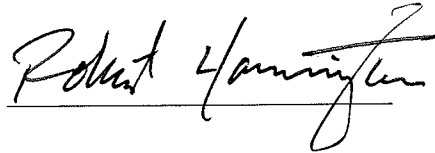
I, ROBERT HARRINGTON, Ph.D, R.G., declare as follows:

1. I am the Director of the Inyo County Water Department.
2. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: \_\_\_\_\_



At: INDEPENDENCE, California

## ATTACHMENT 4-j

DECLARATION OF  
INYO COUNTY INFORMATION SERVICES DIRECTOR  
BRANDON SHULTS

I, BRANDON SHULTS, declare as follows:

1. I am the Inyo County Information Service Director.
2. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed: 

At: INDEPENDENCE, California

## ATTACHMENT 4-k

DECLARATION OF  
INYO COUNTY PLANNING DIRECTOR  
JOSHUA HART


I, JOSHUA HART, declare as follows:

1. I am the Planning Director for Inyo County.
2. My qualifications are outlined on Attachment A.
3. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
4. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 4, 2013

Signed:

A handwritten signature in black ink, appearing to read "Joshua Hart", written over a horizontal line.

At: Independence, California