

Attachment B

City of Santa Barbara Resolution 17-051

RESOLUTION NO. 17-051

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY OF SANTA BARBARA IN THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) OPEN PACE PROGRAMS; AUTHORIZING CSCDA TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF SANTA BARBARA; AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Statewide Communities Development Authority is a joint exercise of powers authority, the members of which include numerous cities and counties in the State of California, including the City of Santa Barbara;

WHEREAS, the CSCDA is implementing Property Assessed Clean Energy (PACE) programs, which it has designated CSCDA Open PACE, consisting of CSCDA Open PACE programs each administered by a separate program administrator (collectively with any successors, assigns, replacements or additions, the "Programs"), to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency and seismic strengthening improvements, electric vehicle charging infrastructure and such other improvements, infrastructure or other work as may be authorized by law from time to time (collectively, the "Improvements") through the levy of contractual assessments pursuant to Division 7, Part 3, Chapter 29 of the Streets & Highways Code ("Chapter 29") within counties and cities throughout the State of California that consent to the inclusion of properties within their respective territories in the Programs and the issuance of bonds from time to time;

WHEREAS, the program administrators currently active in administering Programs are the AllianceNRG Program (CounterPointe Energy Solutions (CA) LLC), PACE Funding LLC, CaliforniaFirst (Renew Financial Group LLC), CleanFund Commercial PACE Capital and Spruce Finance and CSCDA will notify the City in advance of any additions or changes;

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner or owners of each lot or parcel on which an assessment is levied at the time the assessment is levied;

WHEREAS, the City desires to allow the owners of property ("Participating Property Owners") within its territory to participate in the Programs and to allow CSCDA to conduct assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or refinance Improvements;

WHEREAS, the territory within which assessments may be levied for the Programs shall include all of the territory within the City's official boundaries;

WHEREAS, the CSCDA will conduct all assessment proceedings under Chapter 29 for the Programs and issue any bonds issued in connection with the Programs;

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

Section 1. This City Council hereby finds and declares that properties in the territory of the City of Santa Barbara will benefit from the availability of the Programs within the territory of the City of Santa Barbara and, pursuant thereto, the conduct of special assessment proceedings by CSCDA pursuant to Chapter 29 and the issuance of bonds to finance or refinance Improvements.

Section 2. In connection with the Programs, the City hereby consents to the conduct of special assessment proceedings by CSCDA pursuant to Chapter 29 on any property within the territory of the City and the issuance of bonds to finance or refinance Improvements; provided, that

(1) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and

(2) The City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs.

Section 3. The appropriate officials and staff of the City of Santa Barbara are hereby authorized and directed to make applications for the Programs available to all property owners who wish to finance or refinance Improvements; provided, that CSCDA shall be responsible for providing such applications and related materials at its own expense.

The following staff persons, together with any other staff persons chosen by the City from time to time, are hereby designated as the contact persons for the CSCDA in connection with the Programs:

- George Buell, Director, Community Development Department, or his designee
- Rebecca Bjork, Director, Public Works Department, or her designee
- Andrew Stuffer, Chief Building Official, or his designee
- Matthew Fore, Senior Assistant to the City Administrator, or his designee

Section 4.

An Open PACE Administrator shall be authorized to operate within the City only after the following actions are complete:

1. Execution of an assessment agreement between the County of Santa Barbara and CSCDA and delivery of the executed agreement to the City. The assessment agreement shall allow for the placement of PACE assessments on the property tax rolls and shall establish any fees that the County would charge to CSCDA to perform this service would also be required;
2. Execution of a Participation Agreement between the City of Santa Barbara and the Open PACE Administrator that desires to operate within the City. The Participation Agreement will outline the terms and conditions by which the Administrator will operate within the City; and,
3. Issuance of a written Notice to Proceed from Matthew R. Fore, Senior Assistant to the City Administrator, to the individual Open PACE Administrator.

Section 5. The appropriate officials and staff of the City of Santa Barbara are hereby authorized and directed to execute and deliver such certificates, requisitions, agreements and related documents, subject to approval as to form by the City Attorney, as are reasonably required by CSCDA to implement the Programs.

Section 6. The City Council hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

Section 7. This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of CSCDA at: Secretary of the Board, California Statewide Communities Development Authority, 1400 K Street, Sacramento, CA 95814.

RESOLUTION NO. 17-051

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on June 20, 2017, by the following roll call vote:


AYES: Councilmembers Jason Dominguez, Gregg Hart, Cathy Murillo, Bendy White; Mayor Helene Schneider

NOES: Councilmembers Frank Hotchkiss, Randy Rowse

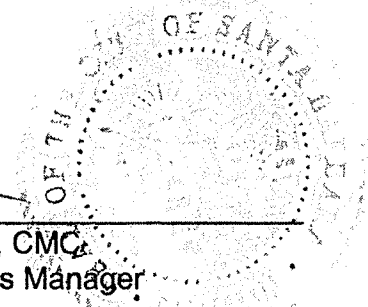
ABSENT: None

ABSTENTIONS: None

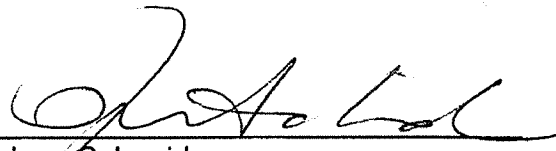
IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on June 21, 2017.



Sarah P. Gorman, CMC
City Clerk Services Manager



I HEREBY APPROVE the foregoing resolution on June 21, 2017.



Helene Schneider
Mayor