

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

RESOLUTION NO. _____

**RESOLUTION CONFIRMING REPORT RELATING TO THE FINANCING OF
THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE
ENERGY SOURCES AND ENERGY EFFICIENCY AND WATER EFFICIENCY
IMPROVEMENTS AND APPROVING AND ORDERING OTHER RELATED
MATTERS**

WHEREAS, the County of Santa Barbara ("County") is authorized under Chapter 29 of Part 3 of Division 7 of the Streets & Highways Code of the State of California ("Chapter 29") to levy contractual assessments to finance the installation of distributed generation renewable energy sources and energy efficiency and water efficiency improvements that are permanently fixed to residential, commercial, industrial, agricultural, or other real property ("Authorized Improvements"); and

WHEREAS, Chapter 29 authorizes the County to enter into contractual assessments to finance the installation of Authorized Improvements; and

WHEREAS, on March 16, 2010, pursuant to Resolution No. 10-068 (the "Resolution of Intention"), the Board of Supervisors declared its intention to establish a contractual assessment program (the "Program"), pursuant to which the County would enter into contractual assessments to finance the installation of Authorized Improvements in the County; and

WHEREAS, the Resolution of Intention ordered the County Executive Officer or his designee to prepare and file with the Board of Supervisors a report (the "Report") addressing all of the matters set forth in Section 5898.22 of Chapter 29, including a draft agreement (the "Agreement") between the County and property owners participating in the Program providing for payment of contractual assessments and the financing of the installation of Authorized Improvements; and

WHEREAS, the Report is on file with the Clerk of the Board of Supervisors and the Report contains all of the matters required to be contained therein by Section 5898.22 of Chapter 29; and

WHEREAS, the Resolution of Intention ordered a public hearing to be held on this date for the purposes of allowing interested persons to object to or inquire about the proposed Program or any of its particulars; and

WHEREAS, as required by Section 5898.24 of Chapter 29 and the Resolution of Intention, the Clerk of the Board of Supervisors caused publication of a notice of public hearing for the purpose of allowing interested persons to object to or inquire about the proposed Program or any of its particulars; and

WHEREAS, on this date, the Board of Supervisors held a noticed public hearing as required by Chapter 29 at which the Report was summarized and all persons who were present were given an opportunity to comment upon, object to, or present evidence with regard to the proposed Program, the extent of the area proposed to be included within the Program, the terms and conditions of the draft Agreement attached as an exhibit to the Report, and the proposed financing provisions; and

WHEREAS, as required by Section 5898.24 of Chapter 29, the Board of Supervisors caused written notice of the proposed Program to be given to all water or electric providers within the boundaries of the County not less than 60 days prior to this date;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Barbara as follows:

1. Recitals. The above recitals are true and correct.
2. Incorporation of Resolution of Intention. The provisions of the Resolution of Intention are hereby incorporated in this Resolution by this reference.
3. Approval of Report. The Report and the component parts thereof, including each exhibit incorporated by reference in the Report, is hereby approved and confirmed. The County Executive Officer or his designee is hereby authorized to make such changes to the Report, including but not limited to the list of Authorized Improvements, the draft Agreement and the plan for financing installation of the Authorized Improvements, as the County Executive Officer or his designee determines are appropriate in connection with implementation of the Program.
4. Establishment and Implementation of the Program. The Board of Supervisors hereby establishes the Program and orders its implementation consistent with the provisions of the Report and Section 3 of this Resolution.
5. Agreement. The Board of Supervisors hereby approves the forms of the Agreement attached to the Report, with such additions thereto and changes therein as the County Executive Officer or his designee, in consultation with the County's bond counsel and County Counsel, deems necessary, desirable or appropriate, the execution of which by the County Executive Officer or his designee shall be conclusive evidence of the approval of any such additions and changes. The County Executive Officer or his designee is hereby authorized and directed to execute Agreements with property owners in order to provide for the levy of contractual assessments to finance installation of Authorized Improvements; provided, that any Agreement for a contractual assessment of \$100,000 or more shall be approved by the Board of Supervisors prior to its execution. The Board of Supervisors hereby authorizes the performance by the County of its obligations under such Agreements.
6. Authorized Improvements; Contractual Assessments. The Board of Supervisors hereby orders that the Authorized Improvements identified in the Agreements be made and confirms the contractual assessments to finance installation of the Authorized Improvements to be levied by the Agreements.
7. Recording of Notices. In connection with execution of an Agreement with a property owner participating in the Program, the Board of Supervisors hereby directs the Clerk of the Board of Supervisors to cause to be recorded in the office of the County Clerk-Recorder the various notices and other documents required by Chapter 29 and other applicable laws.
8. Auditor's Record. The County Executive Officer or his designee is hereby authorized and directed to prepare the official list of contractual assessment installments to be included on each year's tax roll and to transmit the list to the County Auditor-Controller. The County Executive Officer or his designee is hereby authorized to enter into an agreement with the Auditor-Controller with respect to the fees to be charged by the Auditor-Controller for including the proposed contractual assessment installments on each year's tax roll.

9. Pooled and Non-Pooled Financings. In order to provide for the efficient and economic financing of the installation of Authorized Improvements, the Board of Supervisors hereby creates (i) a "Residential Pool," in which properties (most of which shall be residential) shall be placed from time to time by the County Executive Officer (or his designee) and (ii) a "Non-Residential Pool," in which properties (most of which shall be non-residential) shall be placed from time to time by the County Executive Officer (or his designee). The Board of Supervisors expects to provide by separate resolution for financings payable from contractual assessments levied on property in the Residential Pool, financings payable from contractual assessments levied on property in the Non-Residential Pool, and financings payable from contractual assessments levied on one or more individual parcels that have not been placed in either the Residential Pool or the Non-Residential Pool.

10. Further Actions. All actions heretofore taken by the officers and agents of the County with respect to the matters contemplated by this Resolution and the Report are hereby approved, confirmed and ratified, and the proper officers of the County, including but not limited to the County Executive Officer, the County Counsel, the Auditor-Controller, the Treasurer-Tax Collector and the Director of Housing & Community Development, and their designees, are hereby authorized, for and in the name and on behalf of the County, to do any and all things and take any and all actions and execute and deliver any and all certificates, agreements, assignments, notes and other documents which they, or any of them, may deem necessary or advisable in order to consummate the matters contemplated by this Resolution and the Report.

11. Effective Date. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Santa Barbara held on this 13th day of April, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHAIR, BOARD OF SUPERVISORS

ATTEST:
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:

DENNIS A. MARSHALL
COUNTY COUNSEL

By: 
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:

ROBERT GEIS
AUDITOR-CONTROLLER

By: 