

Attachment 2

Resolution of Intention Adopted By Eight Cities

RESOLUTION NO. 2010 - 02

RESOLUTION APPROVING COUNTY OF SANTA BARBARA RESOLUTION OF INTENTION, CONSENTING TO PARTICIPATION IN CONTRACTUAL ASSESSMENT PROGRAM AND APPROVING THE FINANCING OF INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, AND ENERGY EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS WITHIN THE INCORPORATED AREA OF THE CITY

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements");

WHEREAS, the County has notified the City of Guadalupe (the "City") that the Board of Supervisors of the County will consider forming a contractual assessment program (the "Program"), pursuant to which the County will enter into contractual assessments to finance the installation of Authorized Improvements;

WHEREAS, the County has provided the City with a form of a resolution to be considered by the Board of Supervisors of the County entitled "Resolution Declaring Intention to Finance Installation of Distributed Generation Renewable Energy Sources, and Energy Efficiency and Water Efficiency Improvements" (the "County Resolution of Intention"), which form of County Resolution of Intention is attached as Exhibit A; and

WHEREAS, the City Council has reviewed the County Resolution of Intention, and the City Council wishes to provide for the contractual assessment financing of the installation of Authorized Improvements through the Program within the incorporated territory of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Guadalupe as follows:

Section 1. Findings. The City Council hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the incorporated territory of the City. Properties in the incorporated territory of the City will benefit from the Program.
- (c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.
- (d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic stability and environmental stewardship through participation in the green economy.

(e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the City.

(f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

Section 2. Approval of Resolution of Intention and Other Related Matters. The City Council hereby approves the County Resolution of Intention, in substantially the form attached to this Resolution as Exhibit A, which County Resolution may be amended by the Board of Supervisors at the time of its adoption without further approval by the City Council. The City Council hereby consents to including the incorporated territory of the City within the territory covered by the Program. The City Council hereby approves the financing by the County of installation of the Authorized Improvements within the incorporated territory of the City.

The City Council's consent to including the incorporated territory of the City within the territory covered by the Program constitutes the City's Council's assent to the assumption by the County of jurisdiction over such incorporated territory for all purposes of the financing of installation of Authorized Improvements on property within the incorporated territory of the City and authorizes the Board of Supervisors to take each and every step required for or suitable for the consummation of the Program within the incorporated territory of the City, and the levying, collecting and enforcement of the contractual assessments to finance the Authorized Improvements and to cover the expenses of the Program, and the issuance and enforcement of bonds to represent unpaid contractual assessments.

Section 3. Approval of Cooperation Agreement. The City Council hereby authorizes *the City Administrator*, on behalf of the City, to execute a cooperation agreement with the County, which agreements shall be in substantially the form considered by the City Council when adopting this resolution, to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory of the City.

Section 4. Official Actions. The *City Administrator* is authorized and directed in the name and on behalf of the City to undertake any and all actions necessary to accomplish the purposes of this Resolution.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption.

I hereby certify that the foregoing resolution was duly and regularly adopted and passed by the City Council of the City of Guadalupe, California, at a regular meeting thereof held on the 26th day of January 2010, by the following vote of the members thereof:

MOTION: Julian/Lizalde

AYES: 4 Julian; Lizalde; Ponce; Alvarez

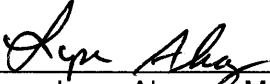
NOES : 0

ABSENT: 1 Sabedra



Brenda Hoff, City Clerk

APPROVED:



Lupe Alvarez, Mayor

EXHIBIT A

FORM OF RESOLUTION OF INTENTION

RESOLUTION NO.

**RESOLUTION DECLARING INTENTION TO FINANCE INSTALLATION OF
DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, AND
ENERGY EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS**

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, the Board of Supervisors wishes to declare 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;

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

Section 1. Findings. The County hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the County.
- (c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.
- (d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic growth and stability, and environmental stewardship through participation in the green economy.
- (e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the County.
- (f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

Section 2. Determination of Public Interest. The Board of Supervisors hereby determines that (a) it would be convenient, advantageous, and in the public interest to designate

an area, which shall encompass the territory described in Section 4 below, within which the County and property owners within the County may enter into contractual assessments to finance the installation of Authorized Improvements pursuant to Chapter 29 and (b) it is in the public interest for the County to finance the installation of Authorized Improvements in the County pursuant to Chapter 29.

Section 3. Identification of Authorized Improvements. The Board of Supervisors hereby declares that it proposes to make contractual assessment financing available to property owners to finance installation of Authorized Improvements, including but not limited to those improvements detailed in the Report described in Section 8 below, as that Report may be amended from time to time.

Section 4. Identification of Boundaries. Contractual assessments may be entered into by property owners located within the entire geographic territory of the County. The County provided a form of this Resolution to each of the eight incorporated cities in the County, and the legislative body of each of the eight cities has (i) approved this Resolution, (ii) consented to including its incorporated territory within the territory covered by the Program and (iii) approved the financing of installation of the Authorized Improvements within such incorporated territory. The Board of Supervisors hereby finds that including the incorporated territory within the boundaries of the Program will benefit such territory.

The Board of Supervisors intends to enter into agreements with each of the eight cities in the County to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory.

Section 5. Proposed Financing Arrangements. Under Chapter 29, the County may issue bonds or enter into other financing relationships pursuant to Chapter 29 that are payable by contractual assessments and the County may advance its own funds to finance work to be repaid through contractual assessments, and may from time to time sell bonds to reimburse itself for such advances. Division 10 (commencing with Section 8500) of the Streets & Highways Code of the State (the "Improvement Bond Act of 1915") shall apply to any bonds issued pursuant to Chapter 29, insofar as the Improvement Bond Act of 1915 is not in conflict with Chapter 29.

The County shall determine the creditworthiness of a property owner to participate in the financing of Authorized Improvements based on the criteria developed by the County in consultation with the Program financing team, as such criteria shall be set forth in the Report described in Section 8 below, as that Report may be amended from time to time.

In connection with bonds issued under the Improvement Bond Act of 1915 that are payable from contractual assessments, serial and/or term improvement bonds shall be issued in such series and shall mature in such principal amounts and at such times (not to exceed 20 years from the second day of September next following their date) and at such rate or rates of interest (not to exceed the maximum rate permitted by applicable law) as shall be determined by the County at the time of the issuance and sale of the bonds. The provisions of Part 11.1 of the Improvement Bond Act of 1915 shall apply to the calling of the bonds. It is the intention of the County to create a special reserve fund for the bonds under Part 16 of the Improvement Bond Act of 1915. The County will not advance available surplus funds from its treasury to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that this determination shall not prevent the County from, in its sole discretion, so advancing funds. The bonds may be refunded under Division 11.5 of the California Streets and Highways Code or other applicable laws permitting refunding of the bonds, upon the conditions specified by and at the determination of the County.

In connection with the issuance of bonds payable from contractual assessments, the County expects to obligate itself, through a covenant with the owners of the bonds, to exercise its foreclosure rights with respect to delinquent contractual assessment installments under specified circumstances.

Section 6. Public Hearing. Pursuant to the Act, the Board of Supervisors hereby orders that a public hearing be held before this Board at _____, on _____, _____, 2010 at _____ a.m., for the purposes of allowing interested persons to object to or inquire about the proposed Program or any of its particulars. The public hearing may be continued from time to time as determined by the Board of Supervisors for a time not exceeding a total of 180 days.

At the time of the hearing, the Report described in Section 8 below shall be summarized and the Board of Supervisors shall afford all persons who are present 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 Contract described in Section 8 below, or the proposed financing provisions. Following the public hearing, the Board of Supervisors may adopt a resolution confirming the Report (the "Resolution Confirming Report") or may direct the Report's modification in any respect, or may abandon the proceedings.

The Board of Supervisors hereby orders the Clerk to publish a notice of public hearing once a week for two successive weeks. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice will commence upon the first day of publication and terminate at the end of the fourteenth day. The first publication shall occur not later than 20 days before the date of the public hearing.

Section 7. Notice to Water and Electric Providers. Pursuant to Section 5898.24 of the Streets & Highways Code, the Board of Supervisors has provided written notice of the proposed Program within the County to all water and electric providers within the boundaries of the County.

Section 8. Report. The Board of Supervisors hereby directs the Director of Housing & Community Development to prepare and file with the Board of Supervisors a report (the "Report") at or before the time of the public hearing described in Section 6 above containing all of the following:

(a) A map showing the boundaries of the territory within which contractual assessments are proposed to be offered, as set forth in Section 4 above.

(b) A draft contract (the "Contract") specifying the terms and conditions that would be agreed to by the County and a property owner within the County. The Contract may allow property owners to purchase directly the related equipment and materials for the installation of the Authorized Improvements and to contract directly for the installation of such Authorized Improvements.

(c) A statement of the County's policies concerning contractual assessments including all of the following:

(1) Identification of types of Authorized Improvements that may be financed through the use of contractual assessments.

(2) Identification of the County official authorized to enter into contractual assessments on behalf of the County.

(3) A maximum aggregate dollar amount of contractual assessments in the County.

(4) A method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount.

(d) A plan for raising a capital amount required to pay for work performed pursuant to contractual assessments. The plan may include amounts to be advanced by the County through funds available to it from any source. The plan may include the sale of a bond or bonds or other financing relationship pursuant to Section 5898.28 of Chapter 29. The plan shall include a statement of or method for determining the interest rate and time period during which contracting property owners would pay any assessment. The plan shall provide for any reserve fund or funds. The plan shall provide for the apportionment of all or any portion of the costs incidental to financing, administration, and collection of the Program among the consenting property owners and the County.

(e) A report on the results of the consultations with the County Auditor-Controller described in Section 10 below concerning the additional fees, if any, that will be charged for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property, and a plan for financing the payment of those fees.

Section 9. Nature of Assessments. Assessments levied pursuant to Chapter 29, and the interest and any penalties thereon, will constitute a lien against the lots and parcels of land on which they are made, until they are paid. Unless otherwise directed by the Board of Supervisors, the assessments shall be collected in the same manner and at the same time as the general taxes of the County on real property are payable, and subject to the same penalties and remedies and lien priorities in the event of delinquency and default.

Section 10. Consultations with County Auditor-Controller. The Board of Supervisors hereby directs the Director of Housing & Community Development to enter into consultations with the County Auditor-Controller in order to reach agreement on what additional fees, if any, will be charged to the County for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property.

Section 11. Preparation of Current Roll of Assessment. Pursuant to Section 5898.24(c), the County hereby designates the Director of Housing & Community Development (or his/her designee) as the responsible official for annually preparing the current roll of assessment obligations by assessor's parcel number on property subject to a voluntary contractual assessment in consultation with other responsible officials.

Section 12. Procedures for Responding to Inquiries. The Director of Housing & Community Development shall establish procedures to promptly respond to inquiries concerning current and future estimated liability for a voluntary contractual assessment in consultation with other responsible officials.

Section 13. 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 ___ day of _____, 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: _____

RESOLUTION NO. 2010-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING COUNTY OF SANTA BARBARA RESOLUTION OF INTENTION, CONSENTING TO PARTICIPATION IN CONTRACTUAL ASSESSMENT PROGRAM AND APPROVING THE FINANCING OF INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY EFFICIENCY, AND WATER EFFICIENCY IMPROVEMENTS WITHIN THE INCORPORATED AREA OF THE CITY

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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, energy efficiency, and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, the County has notified the City of Santa Maria (City) that the Board of Supervisors of the County will consider forming a contractual assessment program (Program), pursuant to which the County will enter into contractual assessments to finance the installation of Authorized Improvements; and

WHEREAS, the County has provided the City with the form of a resolution to be considered by the Board of Supervisors of the County entitled "Resolution Declaring Intention to Finance Installation of Distributed Generation Renewable Energy Sources, and Energy Efficiency and Water Efficiency Improvements" (County Resolution of Intention), which form of County Resolution of Intention is attached as Exhibit A; and

WHEREAS, the City Council has reviewed the County Resolution of Intention, and the City Council wishes to provide for the contractual assessment financing of the installation of Authorized Improvements through the Program within the incorporated territory of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Maria, California, as follows:

Section 1. Findings. The City Council hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the incorporated territory of the City. Properties in the incorporated territory of the City will benefit from the Program.

(c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.

(d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic stability and environmental stewardship through participation in the green economy.

(e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the City.

(f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

Section 2. Approval of Resolution of Intention and Other Related Matters.

The City Council hereby approves the County Resolution of Intention, in substantially the form attached to this resolution as Exhibit A, which County Resolution may be amended by the Board of Supervisors at the time of its adoption without further approval by the City Council. The City Council hereby consents to including the incorporated territory of the City within the territory covered by the Program. The City Council hereby approves the financing by the County of installation of the Authorized Improvements within the incorporated territory of the City.

The City Council's consent to including the incorporated territory of the City within the territory covered by the Program constitutes the City Council's assent to the assumption by the County of jurisdiction over such incorporated territory for all purposes of the financing of installation of Authorized Improvements on property within the incorporated territory of the City and authorizes the Board of Supervisors to take each and every step required for or suitable for the consummation of the Program within the incorporated territory of the City, and the levying, collecting and enforcement of the contractual assessments to finance the Authorized Improvements and to cover the expenses of the Program, and the issuance and enforcement of bonds to represent unpaid contractual assessments.

Section 3. Approval of Cooperation Agreement. The City Council hereby authorizes the City Manager or his designee, on behalf of the City, to execute a Cooperation Agreement (Exhibit B) with the County, which agreements shall be in substantially the form considered by the City Council when adopting this resolution, to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory of the City.

Section 4. Official Actions. The City Manager or his designee are each authorized and directed in the name and on behalf of the City to undertake any and all actions necessary to accomplish the purposes of this resolution.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Santa Maria held this 16th day of February, 2010.

/S/ L. J. LAVAGNINO

Mayor

ATTEST:

/s/ PATRICIA A. PEREZ

Chief Deputy City Clerk

APPROVED AS TO FORM:

By: _____


City Attorney

CONTENTS:

By: _____


Department Head

By: _____


City Manager

Exhibits

Exhibit A: County Resolution

Exhibit B: Cooperative Agreement

EXHIBIT A

FORM OF RESOLUTION OF INTENTION

Jan 6, 2010 DRAFT provided by Jones Hall

RESOLUTION NO. ____

**RESOLUTION DECLARING INTENTION TO FINANCE INSTALLATION
OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES,
AND ENERGY EFFICIENCY AND WATER EFFICIENCY
IMPROVEMENTS**

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, the Board of Supervisors wishes to declare 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;

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

Section 1. Findings. The County hereby finds and declares the following:

(a) The above recitals are true and correct.

(b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the County.

(c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.

(d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic growth and stability, and environmental stewardship through participation in the green economy.

(e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the County.

(f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

Section 2. Determination of Public Interest. The Board of Supervisors hereby determines that (a) it would be convenient, advantageous, and in the public interest to designate an area, which shall encompass the territory described in Section 4 below, within which the County and property owners within the County may enter into contractual assessments to finance the installation of Authorized Improvements pursuant to Chapter 29 and (b) it is in the public interest for the County to finance the installation of Authorized Improvements in the County pursuant to Chapter 29.

Section 3. Identification of Authorized Improvements. The Board of Supervisors hereby declares that it proposes to make contractual assessment financing available to property owners to finance installation of Authorized Improvements, including but not limited to those improvements detailed in the Report described in Section 8 below, as that Report may be amended from time to time.

Section 4. Identification of Boundaries. Contractual assessments may be entered into by property owners located within the entire geographic territory of the County. The County provided a form of this Resolution to each of the eight incorporated cities in the County, and the legislative body of each of the eight cities has (i) approved this Resolution, (ii) consented to including its incorporated territory within the territory covered by the Program and (iii) approved the financing of installation of the Authorized Improvements within such incorporated territory. The Board of Supervisors hereby finds that including the incorporated territory within the boundaries of the Program will benefit such territory.

The Board of Supervisors intends to enter into agreements with each of the eight cities in the County to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory.

Section 5. Proposed Financing Arrangements. Under Chapter 29, the County may issue bonds or enter into other financing relationships pursuant to Chapter 29 that are payable by contractual assessments and the County may advance its own funds to finance work to be repaid through contractual assessments, and may from time to time sell bonds to reimburse itself for such advances. Division 10 (commencing with Section 8500) of the Streets & Highways Code of the State (the "Improvement Bond Act of 1915") shall apply to any bonds issued pursuant to Chapter 29, insofar as the Improvement Bond Act of 1915 is not in conflict with Chapter 29.

The County shall determine the creditworthiness of a property owner to participate in the financing of Authorized Improvements based on the criteria developed by the County in consultation with the Program financing team, as such criteria shall be set forth in the Report described in Section 8 below, as that Report may be amended from time to time.

In connection with bonds issued under the Improvement Bond Act of 1915 that are payable from contractual assessments, serial and/or term improvement bonds shall be issued in such series and shall mature in such principal amounts and at such times (not to exceed 20 years from the second day of September next following their date) and at such rate or rates of interest (not to exceed the maximum rate permitted by applicable law) as shall be determined by the County at the time of the issuance and sale of the bonds. The provisions of Part 11.1 of the Improvement Bond Act of 1915 shall apply to the calling of the bonds. It is the intention of the County to create a special reserve fund for the bonds under Part 16 of the Improvement Bond Act of 1915. The County will not advance available surplus funds from its treasury to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that this determination shall not prevent the County from, in its sole discretion, so advancing funds. The bonds may be refunded under Division 11.5 of the California Streets and Highways Code or other applicable laws permitting refunding of the bonds, upon the conditions specified by and at the determination of the County.

In connection with the issuance of bonds payable from contractual assessments, the County expects to obligate itself, through a covenant with the owners of the bonds, to exercise its foreclosure rights with respect to delinquent contractual assessment installments under specified circumstances.

Section 6. Public Hearing. Pursuant to the Act, the Board of Supervisors hereby orders that a public hearing be held before this Board at _____, on _____, _____, 2010 at _____ a.m., for the purposes of allowing interested persons to object to or inquire about the proposed Program or any of its particulars. The public hearing may be continued from time to time as determined by the Board of Supervisors for a time not exceeding a total of 180 days.

At the time of the hearing, the Report described in Section 8 below shall be summarized and the Board of Supervisors shall afford all persons who are present 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 Contract described in Section 8 below, or the proposed financing provisions. Following the public hearing, the Board of Supervisors may adopt a resolution confirming the Report (the "Resolution Confirming Report") or may direct the Report's modification in any respect, or may abandon the proceedings.

The Board of Supervisors hereby orders the Clerk to publish a notice of public hearing once a week for two successive weeks. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice will commence upon the first day of publication and terminate at the end of the fourteenth day. The first publication shall occur not later than 20 days before the date of the public hearing.

Section 7. Notice to Water and Electric Providers. Pursuant to Section 5898.24 of the Streets & Highways Code, the Board of Supervisors has provided written notice of the proposed Program within the County to all water and electric providers within the boundaries of the County.

Section 8. Report. The Board of Supervisors hereby directs the Director of Housing & Community Development to prepare and file with the Board of Supervisors a report (the "Report") at or before the time of the public hearing described in Section 6 above containing all of the following:

(a) A map showing the boundaries of the territory within which contractual assessments are proposed to be offered, as set forth in Section 4 above.

(b) A draft contract (the "Contract") specifying the terms and conditions that would be agreed to by the County and a property owner within the County. The Contract may allow property owners to purchase directly the related equipment and materials for the installation of the Authorized Improvements and to contract directly for the installation of such Authorized Improvements.

(c) A statement of the County's policies concerning contractual assessments including all of the following:

(1) Identification of types of Authorized Improvements that may be financed through the use of contractual assessments.

(2) Identification of the County official authorized to enter into contractual assessments on behalf of the County.

(3) A maximum aggregate dollar amount of contractual assessments in the County.

(4) A method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount.

(d) A plan for raising a capital amount required to pay for work performed pursuant to contractual assessments. The plan may include amounts to be advanced by the County through funds available to it from any source. The plan may include the sale

of a bond or bonds or other financing relationship pursuant to Section 5898.28 of Chapter 29. The plan shall include a statement of or method for determining the interest rate and time period during which contracting property owners would pay any assessment. The plan shall provide for any reserve fund or funds. The plan shall provide for the apportionment of all or any portion of the costs incidental to financing, administration, and collection of the Program among the consenting property owners and the County.

(e) A report on the results of the consultations with the County Auditor-Controller described in Section 10 below concerning the additional fees, if any, that will be charged for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property, and a plan for financing the payment of those fees.

Section 9. Nature of Assessments. Assessments levied pursuant to Chapter 29, and the interest and any penalties thereon, will constitute a lien against the lots and parcels of land on which they are made, until they are paid. Unless otherwise directed by the Board of Supervisors, the assessments shall be collected in the same manner and at the same time as the general taxes of the County on real property are payable, and subject to the same penalties and remedies and lien priorities in the event of delinquency and default.

Section 10. Consultations with County Auditor-Controller. The Board of Supervisors hereby directs the Director of Housing & Community Development to enter into consultations with the County Auditor-Controller in order to reach agreement on what additional fees, if any, will be charged to the County for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property.

Section 11. Preparation of Current Roll of Assessment. Pursuant to Section 5898.24(c), the County hereby designates the Director of Housing & Community Development (or his/her designee) as the responsible official for annually preparing the current roll of assessment obligations by assessor's parcel number on property subject to a voluntary contractual assessment in consultation with other responsible officials.

Section 12. Procedures for Responding to Inquiries. The Director of Housing & Community Development shall establish procedures to promptly respond to inquiries concerning current and future estimated liability for a voluntary contractual assessment in consultation with other responsible officials.

Section 13. 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 ____ day of _____, 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: _____

**Cooperative Agreement to
Implement a Contractual Assessment Program
in the County of Santa Barbara**

This Agreement is made by and between the County of Santa Barbara ("County") and the City of Santa Maria ("City"); the County and the City are also referred to hereafter as the "Parties".

RECITALS

A. The County and the City are committed to development of renewable energy sources and energy efficiency and water efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change.

B. Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (the "Act") authorizes cities and counties to assist property owners in financing the cost of installing distributed generation renewable energy sources and energy and water efficient improvements that are permanently fixed to their property through a contractual assessment program.

C. On December 1, 2009, the Board of Supervisors of the County directed County staff to implement a municipal energy finance program (the "Program") pursuant to the Act.

D. The City has, by its Resolution No. ____, adopted on ____, 2010, approved a proposed resolution of intention of the Board of Supervisors to establish the Program and consented to the inclusion of properties in the incorporated area of the City in the Program.

E. The City has reviewed the County's draft Administrative Guidelines for the Program, which will serve as the report required by the Act, and which outlines the policies, initial list of eligible improvements, administration and financing plan for the Program.

F. The Parties agree that property owners in the incorporated territory of the City should have the opportunity to participate in the Program under the terms and conditions contained in this Agreement.

G. The Parties understand that the City may have preferences that meet the needs of the owners of property in the incorporated territory of the City. The Parties will work together to consider those preferences.

The Parties agree as follows:

1. RECITALS.

The above recitals are true and correct.

2. COMMUNICATION/DESIGNATED REPRESENTATIVES.

The persons identified below as the Designated Representative shall, upon execution of this Agreement, have authority to grant discretionary approvals identified in this Agreement. Except as otherwise specifically provided in this Agreement, any notice, submittal, or

communication required or permitted to be served on a party, may be served by personal delivery to the person or the office of the person identified below. Service may also be made by mail, by placing first-class postage, and addressed as indicated below, and depositing in the United States mail to:

County	
Project Manager:	
Phone:	
Fax:	
Email:	
Designated Representative:	
City	
Project Manager: Robert Marshall	
City of Santa Maria - Building Division Manager	110 S. Pine Street, Suite 101
	Santa Maria, CA 93458
Phone: 805-925-0951, Ext. 241	
Fax: (805) 928-8275	
Email: rmarshall@ci.santa-maria.ca.us	
Designated Representative: Robert Marshall	

3. COUNTY RESPONSIBILITIES.

A. Except as provided in paragraph B below, the County shall make the Program available to the owners of property in the incorporated territory of the City subject to the same terms and conditions applicable to property owners in the unincorporated area of the County.

B. If, at any time, the City wishes to request modifications to the Program for property owners in the incorporated territory of the City, the City shall so notify the County in writing and shall identify the modifications the City requests to be implemented within the incorporated territory of the City. The County shall evaluate such request within 60 days and shall notify the City in writing of the steps and conditions that would be necessary, if any, to implement the City's request. If the County concludes that the request is not feasible or is detrimental to the Program, it may, after discussion with the City, deny the request but shall work with the City to attempt to otherwise address the City's desires.

4. CITY RESPONSIBILITIES.

A. The City agrees to process permits for all projects and improvements the installation of which are financed through the Program where a permit is required by the City; in instances where a permit is not required for the improvements to be financed under the Program, then the City agrees to establish a process for confirmation and sign-off by the City for such improvements financed through the Program that is reasonably acceptable to the County. The City shall charge its usual and customary fees for such permits or a flat fee for any confirmation and sign-off for improvements not requiring a permit. The City understands that the County intends to rely upon issuance of a final permit as evidence that the financed improvements have been installed by the property owner according to local building code requirements, or, where a permit is not required for such improvements, a sign-off by the City

that the improvements are in place on the participating property. City staff will work with County staff to coordinate verification of installed improvements through agreed-upon measures, for example, random inspections.

B. The City agrees to make information about the Program that is provided to the City by the County available at appropriate locations in the City. The City agrees to work with the County to market the Program through such means as inserting information into the City's utility bills, linking to the Program's website from the City's website, and including information on the Program in community information bulletins.

5. ADDITIONAL REQUIREMENTS.

A. Amendment: Changes to this Agreement may be authorized only by written amendment to this Agreement, signed by the Parties.

B. No Waiver of Breach: The waiver by any party of any breach of any term or promise contained in this Agreement shall not be deemed to be a waiver of such term or promise or any later breach of the same or any other term or promise contained in this Agreement.

C. Construction: To the fullest extent allowed by law, the provisions of this Agreement shall be construed and given effect in a manner that avoids any violation of statute, ordinance, regulation, or law. The Parties covenant and agree that, in the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired, or invalidated thereby.

D. Making of Agreement: The Parties acknowledge that they have each contributed to the making of this Agreement and that, in the event of a dispute over the interpretation of this Agreement, the language of the Agreement will not be construed against one party in favor of the other. The Parties acknowledge that they have each had an adequate opportunity to consult with counsel in the negotiation and preparation of this Agreement.

E. No Third-Party Beneficiaries: Nothing contained in this Agreement shall be construed to create and the parties do not intend to create any rights in third parties.

F. Applicable Law and Forum: This Agreement shall be construed and interpreted according to the substantive law of California excluding the law of conflicts. Any action to enforce the terms of this Agreement or for the breach thereof shall be brought and tried in the County of Santa Barbara.

G. Captions: The captions in this Agreement are solely for convenience of reference. They are not a part of this Agreement and shall have no effect on its construction or interpretation.

H. Merger: This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement, pursuant to Code of Civil Procedure Section 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced by a writing signed by all parties.

I. Time of Essence: Time is and shall be of the essence of this Agreement and every provision hereof.

J. Entire Agreement: This Agreement is the entire Agreement between the Parties.

6. EFFECTIVE DATE.

This Agreement shall become effective upon execution by the Parties.

7. TERMINATION.

Either Party may terminate its participation in this Agreement by giving one hundred eighty (180) days advance written notice to the other Party of its intent to terminate its participation in this Agreement. Termination shall not affect the validity of any contractual assessment agreement already entered into by the County with the owner of property within the incorporated area of the City.

8. COUNTERPART SIGNATURES.

This Agreement may be executed in counterpart and each of the executed counterparts shall have the same force and effect as an original instrument and as if all of the parties to the aggregate counterparts had signed the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as set forth below.

CITY

COUNTY OF SANTA BARBARA

By: _____
Mayor

By: _____
Chair, Board of Supervisors

Authorized by Resolution No. _____

Date: _____

Date: _____

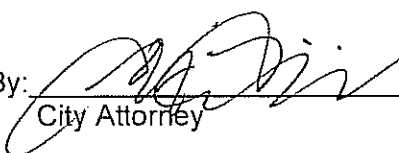
Attest: _____
City Clerk

Attest:
MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM:

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

By:  _____
City Attorney

By: _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:
ROBERT W. GEIS, CPA
AUDITOR-CONTROLLER

By: _____

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

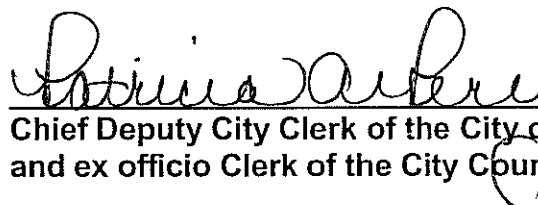
I, PATRICIA A. PEREZ, Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 2010-22 which was duly and regularly introduced and adopted by said City Council at a regular meeting held February 16, 2010, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarias, and Mayor Lavagnino.

NOES: None.

ABSENT: None.

ABSTAIN: None.



Chief Deputy City Clerk of the City of Santa Maria
and ex officio Clerk of the City Council

CERTIFIED COPY

RESOLUTION 5607 (10)

**A Resolution of the Council of the City of Lompoc
County of Santa Barbara, State of California,
Approving County Of Santa Barbara Resolution Of Intention,
Consenting To Participation In Contractual Assessment Program
And Approving The Financing Of Installation Of Distributed Generation
Renewable Energy Sources, And Energy Efficiency And Water Efficiency
Improvements Within The Incorporated Area Of The City**

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, the County has notified the City of Lompoc (the "City") that the Board of Supervisors of the County will consider forming a contractual assessment program (the "Program"), pursuant to which the County will enter into contractual assessments to finance the installation of Authorized Improvements; and

WHEREAS, the County has provided the City with a form of a resolution to be considered by the Board of Supervisors of the County entitled "Resolution Declaring Intention to Finance Installation of Distributed Generation Renewable Energy Sources, and Energy Efficiency and Water Efficiency Improvements" (the "County Resolution of Intention"), which form of County Resolution of Intention is attached as Exhibit A; and

WHEREAS, the City Council has reviewed the County Resolution of Intention, and the City Council wishes to provide for the contractual assessment financing of the installation of Authorized Improvements through the Program within the incorporated territory of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lompoc as follows:

Section 1. Findings. The City Council hereby finds and declares the following:

(a) The above recitals are true and correct.

(b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the incorporated territory of the City. Properties in the incorporated territory of the City will benefit from the Program.

(c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.

(d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic stability and environmental stewardship through participation in the green economy.

(e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the City.

(f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

Section 2. Approval of Resolution of Intention and Other Related Matters. The City Council hereby approves the County Resolution of Intention, in substantially the form attached to this Resolution as Exhibit A, which County Resolution may be amended by the Board of Supervisors at the time of its adoption without further approval by the City Council. The City Council hereby consents to including the incorporated territory of the City within the territory covered by the Program. The City Council hereby approves the financing by the County of installation of the Authorized Improvements within the incorporated territory of the City.

The City Council's consent to including the incorporated territory of the City within the territory covered by the Program constitutes the City's Council's assent to the assumption by the County of jurisdiction over such incorporated territory for all purposes of the financing of installation of Authorized Improvements on property within the incorporated territory of the City and authorizes the Board of Supervisors to take each and every step required for or suitable for the consummation of the Program within the incorporated territory of the City, and the levying, collecting and enforcement of the contractual assessments to finance the Authorized Improvements and to cover the expenses of the Program, and the issuance and enforcement of bonds to represent unpaid contractual assessments.

Section 3. Approval of Cooperation Agreement. The City Council hereby authorizes the City Administrator, on behalf of the City, to execute a cooperation agreement with the County, which agreements shall be in substantially the form considered by the City Council when adopting this resolution, to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory of the City.

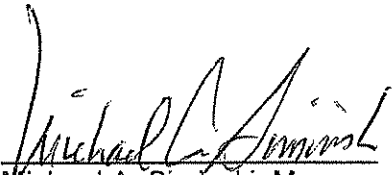
Section 4. Official Actions. The City Administrator is authorized and directed in the name and on behalf of the City to undertake any and all actions necessary to accomplish the purposes of this Resolution.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption.

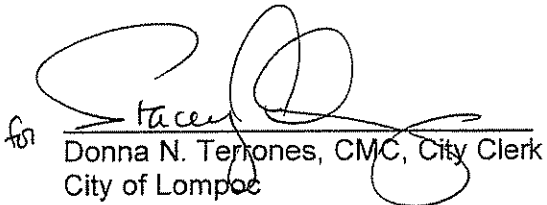
The above and foregoing Resolution was proposed by Councilmember Lingl, seconded by Councilmember Ruhge, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on February 16, 2010, by the following electronic vote:

AYES: Councilmember(s): Cecilia Martner, Ann Ruhge, Bob Lingl, Mike Siminski, and Mayor Dick DeWees.

NOES: Councilmember(s): None


Michael A. Siminski, Mayor
City of Lompoc

ATTEST:


Donna N. Terrones, CMC, City Clerk
City of Lompoc

Attachment: Exhibit "A"
Exhibit "B"
Exhibit "C"

I HEREBY CERTIFY THAT THE

foregoing instrument is a true and correct copy of the original on file in the Lompoc City Clerk's Department.

ATTEST: 

RESOLUTION NO. 10-844

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLVANG,
APPROVING COUNTY OF SANTA BARBARA RESOLUTION OF
INTENTION, CONSENTING TO PARTICIPATION IN CONTRACTUAL
ASSESSMENT PROGRAM AND APPROVING THE FINANCING OF
INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE
ENERGY SOURCES, AND ENERGY EFFICIENCY AND WATER
EFFICIENCY IMPROVEMENTS WITHIN THE INCORPORATED AREA
OF THE CITY.**

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements");

WHEREAS, the County has notified the City of Solvang (the "City") that the Board of Supervisors of the County will consider forming a contractual assessment program (the "Program"), pursuant to which the County will enter into contractual assessments to finance the installation of Authorized Improvements;

WHEREAS, the County has provided the City with a form of a resolution to be considered by the Board of Supervisors of the County entitled "Resolution Declaring Intention to Finance Installation of Distributed Generation Renewable Energy Sources, and Energy Efficiency and Water Efficiency Improvements" (the "County Resolution of Intention"), which form of County Resolution of Intention is attached as Exhibit A; and

WHEREAS, the City Council has reviewed the County Resolution of Intention, and the City Council wishes to provide for the contractual assessment financing of the installation of Authorized Improvements through the Program within the incorporated territory of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Solvang as follows:

Section 1. Findings. The City Council hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the incorporated territory of the City. Properties in the incorporated territory of the City will benefit from the Program.
- (c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.

* * * * *

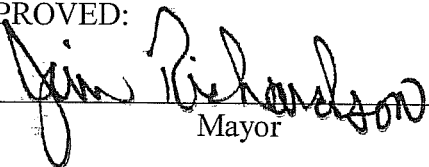
I hereby certify that the foregoing resolution was duly and regularly adopted and passed by the City Council of the City of Solvang, California, at a regular meeting thereof held on the 22nd day of February, 2010, by the following vote of the members thereof:

AYES, and in favor of, thereof Mayor Richardson, Council Members Duus, Jamieson, Palmer and Skytt

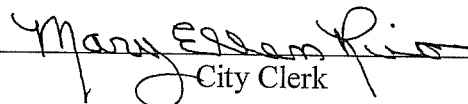
NOES, Councilmembers:

ABSENT, Councilmembers:

APPROVED:



Mayor



City Clerk

(f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

Section 2. Determination of Public Interest. The Board of Supervisors hereby determines that (a) it would be convenient, advantageous, and in the public interest to designate an area, which shall encompass the territory described in Section 4 below, within which the County and property owners within the County may enter into contractual assessments to finance the installation of Authorized Improvements pursuant to Chapter 29 and (b) it is in the public interest for the County to finance the installation of Authorized Improvements in the County pursuant to Chapter 29.

Section 3. Identification of Authorized Improvements. The Board of Supervisors hereby declares that it proposes to make contractual assessment financing available to property owners to finance installation of Authorized Improvements, including but not limited to those improvements detailed in the Report described in Section 8 below, as that Report may be amended from time to time.

Section 4. Identification of Boundaries. Contractual assessments may be entered into by property owners located within the entire geographic territory of the County. The County provided a form of this Resolution to each of the eight incorporated cities in the County, and the legislative body of each of the eight cities has (i) approved this Resolution, (ii) consented to including its incorporated territory within the territory covered by the Program and (iii) approved the financing of installation of the Authorized Improvements within such incorporated territory. The Board of Supervisors hereby finds that including the incorporated territory within the boundaries of the Program will benefit such territory.

The Board of Supervisors intends to enter into agreements with each of the eight cities in the County to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory.

Section 5. Proposed Financing Arrangements. Under Chapter 29, the County may issue bonds or enter into other financing relationships pursuant to Chapter 29 that are payable by contractual assessments and the County may advance its own funds to finance work to be repaid through contractual assessments, and may from time to time sell bonds to reimburse itself for such advances. Division 10 (commencing with Section 8500) of the Streets & Highways Code of the State (the "Improvement Bond Act of 1915") shall apply to any bonds issued pursuant to Chapter 29, insofar as the Improvement Bond Act of 1915 is not in conflict with Chapter 29.

The County shall determine the creditworthiness of a property owner to participate in the financing of Authorized Improvements based on the criteria developed by the County in consultation with the Program financing team, as such criteria shall be set forth in the Report described in Section 8 below, as that Report may be amended from time to time.

In connection with bonds issued under the Improvement Bond Act of 1915 that are payable from contractual assessments, serial and/or term improvement bonds shall be issued in such series and shall mature in such principal amounts and at such times (not to exceed 20 years from the second day of September next following their date) and at such rate or rates of

(b) A draft contract (the "Contract") specifying the terms and conditions that would be agreed to by the County and a property owner within the County. The Contract may allow property owners to purchase directly the related equipment and materials for the installation of the Authorized Improvements and to contract directly for the installation of such Authorized Improvements.

(c) A statement of the County's policies concerning contractual assessments including all of the following:

(1) Identification of types of Authorized Improvements that may be financed through the use of contractual assessments.

(2) Identification of the County official authorized to enter into contractual assessments on behalf of the County.

(3) A maximum aggregate dollar amount of contractual assessments in the County.

(4) A method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount.

(d) A plan for raising a capital amount required to pay for work performed pursuant to contractual assessments. The plan may include amounts to be advanced by the County through funds available to it from any source. The plan may include the sale of a bond or bonds or other financing relationship pursuant to Section 5898.28 of Chapter 29. The plan shall include a statement of or method for determining the interest rate and time period during which contracting property owners would pay any assessment. The plan shall provide for any reserve fund or funds. The plan shall provide for the apportionment of all or any portion of the costs incidental to financing, administration, and collection of the Program among the consenting property owners and the County.

(e) A report on the results of the consultations with the County Auditor-Controller described in Section 10 below concerning the additional fees, if any, that will be charged for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property, and a plan for financing the payment of those fees.

Section 9. Nature of Assessments. Assessments levied pursuant to Chapter 29, and the interest and any penalties thereon, will constitute a lien against the lots and parcels of land on which they are made, until they are paid. Unless otherwise directed by the Board of Supervisors, the assessments shall be collected in the same manner and at the same time as the general taxes of the County on real property are payable, and subject to the same penalties and remedies and lien priorities in the event of delinquency and default.

Section 10. Consultations with County Auditor-Controller. The Board of Supervisors hereby directs the Director of Housing & Community Development to enter into consultations with the County Auditor-Controller in order to reach agreement on what additional fees, if any, will be charged to the County for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property.

RESOLUTION NO. 10-05

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF BUELLTON, CALIFORNIA,
APPROVING THE COUNTY OF SANTA BARBARA
RESOLUTION OF INTENTION CONSENTING TO
PARTICIPATION IN A CONTRACTUAL ASSESSMENT
PROGRAM AND APPROVING THE FINANCING OF THE
INSTALLATION OF DISTRIBUTED GENERATION
RENEWABLE ENERGY SOURCES AND ENERGY EFFICIENCY
AND WATER EFFICIENCY IMPROVEMENTS WITHIN THE
INCORPORATED AREA OF THE CITY OF BUELLTON**

WHEREAS, the County of Santa Barbara (the “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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property (“Authorized Improvements”);

WHEREAS, the County has notified the City of Buellton (the “City”) that the Board of Supervisors of the County will consider forming a contractual assessment program (the “Program”), pursuant to which the County will enter into contractual assessments to finance the installation of Authorized Improvements;

WHEREAS, the County has provided the City with a form of a resolution to be considered by the Board of Supervisors of the County entitled “Resolution Declaring Intention to Finance Installation of Distributed Generation Renewable Energy Sources, and Energy Efficiency and Water Efficiency Improvements” (the “County Resolution of Intention”), which form of County Resolution of Intention is attached as Exhibit A; and

WHEREAS, the City Council has reviewed the County Resolution of Intention, and the City Council wishes to provide for the contractual assessment financing of the installation of Authorized Improvements through the Program within the incorporated territory of the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Buellton as follows:

SECTION 1: Findings. The City Council hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the incorporated territory of the City. Properties in the incorporated territory of the City will benefit from the Program.

(c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.

(d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide economic stimulus (i.e. jobs and increased property tax revenue), sustainability, and lowered greenhouse gas emissions by promoting economic stability and environmental stewardship through participation in the green economy.

(e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the City per the mandates of State Law.

(f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

SECTION 2: Approval of Resolution of Intention and Other Related Matters. The City Council hereby approves the County Resolution of Intention, in substantially the form attached to this Resolution as Exhibit A, which County Resolution may be amended by the Board of Supervisors at the time of its adoption without further approval by the City Council. The City Council hereby consents to including the incorporated territory of the City within the territory covered by the Program. The City Council hereby approves the financing by the County of installation of the Authorized Improvements within the incorporated territory of the City. No financial contributions are required by the City to fund or implement this Program.

The City Council's consent to including the incorporated territory of the City within the territory covered by the Program constitutes the City's Council's assent to the assumption by the County of jurisdiction over such incorporated territory for all purposes of the financing of installation of Authorized Improvements on property within the incorporated territory of the City and authorizes the Board of Supervisors to take each and every step required for or suitable for the consummation of the Program within the incorporated territory of the City, and the levying, collecting and enforcement of the contractual assessments to finance the Authorized Improvements and to cover the expenses of the Program, and the issuance and enforcement of bonds to represent unpaid contractual assessments.


SECTION 3: Approval of Cooperation Agreement. The City Council hereby authorizes the City Manager, on behalf of the City, to execute a cooperation agreement with the County, which agreements shall be in substantially the form considered by the City Council when adopting this resolution, to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory of the City. A copy of the cooperation agreement is included with this Resolution as Exhibit "B".

SECTION 4: Official Actions. The City Manager is authorized and directed in the name and on behalf of the City to undertake any and all actions necessary to accomplish the purposes of this Resolution.

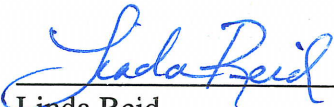
SECTION 5: Effective Date. This resolution shall take effect immediately upon its adoption.

SECTION 6: The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 25th day of February 2010.



Victoria Pointer
Mayor



Linda Reid
City Clerk


I, Linda Reid, City Clerk of the City of Buellton, do hereby certify that the foregoing Resolution No. 10-05 was duly adopted by the City Council of the City of Buellton at the regular meeting held on the 25th day of February 2010 by the following vote of the Council:

AYES: 5 Council Members Hicks, King, Sierra, Mayor Pro Tem Andrisek, and Mayor Pointer

NOES: 0

ABSENT: 0

ABSTAIN: 0



Linda Reid
City Clerk



CITY COUNCIL

Eric Onnen
Mayor

Margaret Connell
Mayor Pro Tempore

Roger S. Aceves
Councilmember

Michael T. Bennett
Councilmember

Edward Easton
Councilmember

CITY MANAGER

Daniel Singer

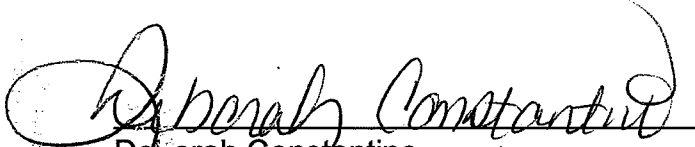
CITY COUNCIL

Roger S. Aceves

**OFFICE OF THE CITY CLERK
CERTIFIED DOCUMENT**

I, Deborah Constantino, City Clerk of the City of Goleta, California, do hereby certify that the document attached hereto entitled "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA APPROVING COUNTY OF SANTA BARBARA RESOLUTION OF INTENTION TO FINANCE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, AND ENERGY EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS" is a full, true and correct copy of the original on file in the Office of the City Clerk, of which I am the legal custodian.

Dated this 3rd day of March, 2010


Deborah Constantino
City Clerk

RESOLUTION NO. 10-15

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA APPROVING COUNTY OF SANTA BARBARA RESOLUTION OF INTENTION TO FINANCE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, AND ENERGY EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, the County has notified the City of Goleta (the "City") that the Board of Supervisors of the County will consider forming a contractual assessment program (the "Program"), pursuant to which the County will enter into contractual assessments to finance the installation of Authorized Improvements; and

WHEREAS, the County has provided the City with a form of a resolution to be considered by the Board of Supervisors of the County entitled "Resolution Declaring Intention to Finance Installation of Distributed Generation Renewable Energy Sources, and Energy Efficiency and Water Efficiency Improvements" (the "County Resolution of Intention"), which form of County Resolution of Intention is attached as Exhibit A; and

WHEREAS, the City Council has reviewed the County Resolution of Intention, and the City Council wishes to provide for the contractual assessment financing of the installation of Authorized Improvements through the Program within the incorporated territory of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Goleta as follows:

SECTION 1. Findings. The City Council hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) A public purpose will be served by establishing a voluntary contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the incorporated territory of the City. Properties in the incorporated territory of the City will benefit from the Program.
- (c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.
- (d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to

foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic stability and environmental stewardship through participation in the green economy.

(e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the City.

(f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

SECTION 2. Approval of Resolution of Intention and Other Related Matters. The City Council hereby approves the County Resolution of Intention, in substantially the form and substance attached to this Resolution as Exhibit A. The City Council hereby consents to including the incorporated territory of the City within the territory covered by the Program. The City Council hereby consents pursuant to California Streets and Highways Code section 5118 to the financing by the County of installation of the Authorized Improvements within the incorporated territory of the City.

The City Council's consent to including the incorporated territory of the City within the territory covered by the Program constitutes the City's Council's assent to the assumption by the County of jurisdiction over such incorporated territory for all purposes of the financing of installation of Authorized Improvements on property within the incorporated territory of the City and other matters specified in California Streets and Highways Code section 5118.

SECTION 3. Official Actions. The City Manager and Director of Planning & Environmental Services are authorized and directed in the name and on behalf of the City to undertake any and all actions necessary to accomplish the purposes of this Resolution.

SECTION 4. Effective Date. This resolution shall take effect immediately upon its adoption.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.


PASSED, APPROVED AND ADOPTED this 16th day of February, 2010.


ERIC ONNEN, MAYOR

ATTEST:

APPROVED AS TO FORM:


DEBORAH CONSTANTINO
CITY CLERK


TIM W. GILES
CITY ATTORNEY

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

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 10-15 was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 2nd day of March, 2010 by the following vote of the Council:

AYES: MAYOR ONNEN, MAYOR PRO TEMPORE CONNELL
COUNCILMEMBERS ACEVES, BENNETT, AND EASTON.

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

(SEAL)


DEBORAH CONSTANTINO
CITY CLERK

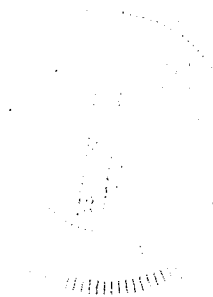


EXHIBIT A

FORM OF RESOLUTION OF INTENTION

Jan 6, 2010 DRAFT provided by Jones Hall

RESOLUTION NO. 10-15

**RESOLUTION DECLARING INTENTION TO FINANCE INSTALLATION OF
DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, AND
ENERGY EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS**

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, the Board of Supervisors wishes to declare 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;

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

Section 1. Findings. The County hereby finds and declares the following:

(a) The above recitals are true and correct.

(b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the County.

(c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.

(d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic growth and stability, and environmental stewardship through participation in the green economy.

(e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the County.

(f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

Section 2. Determination of Public Interest. The Board of Supervisors hereby determines that (a) it would be convenient, advantageous, and in the public interest to designate an area, which shall encompass the territory described in Section 4 below, within which the County and property owners within the County may enter into contractual assessments to finance the installation of Authorized Improvements pursuant to Chapter 29 and (b) it is in the public interest for the County to finance the installation of Authorized Improvements in the County pursuant to Chapter 29.

Section 3. Identification of Authorized Improvements. The Board of Supervisors hereby declares that it proposes to make contractual assessment financing available to property owners to finance installation of Authorized Improvements, including but not limited to those improvements detailed in the Report described in Section 8 below, as that Report may be amended from time to time.

Section 4. Identification of Boundaries. Contractual assessments may be entered into by property owners located within the entire geographic territory of the County. The County provided a form of this Resolution to each of the eight incorporated cities in the County, and the legislative body of each of the eight cities has (i) approved this Resolution, (ii) consented to including its incorporated territory within the territory covered by the Program and (iii) approved the financing of installation of the Authorized Improvements within such incorporated territory. The Board of Supervisors hereby finds that including the incorporated territory within the boundaries of the Program will benefit such territory.

The Board of Supervisors intends to enter into agreements with each of the eight cities in the County to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory.

Section 5. Proposed Financing Arrangements. Under Chapter 29, the County may issue bonds or enter into other financing relationships pursuant to Chapter 29 that are payable by contractual assessments and the County may advance its own funds to finance work to be repaid through contractual assessments, and may from time to time sell bonds to reimburse itself for such advances. Division 10 (commencing with Section 8500) of the Streets & Highways Code of the State (the "Improvement Bond Act of 1915") shall apply to any bonds issued pursuant to Chapter 29, insofar as the Improvement Bond Act of 1915 is not in conflict with Chapter 29.

The County shall determine the creditworthiness of a property owner to participate in the financing of Authorized Improvements based on the criteria developed by the County in consultation with the Program financing team, as such criteria shall be set forth in the Report described in Section 8 below, as that Report may be amended from time to time.

In connection with bonds issued under the Improvement Bond Act of 1915 that are payable from contractual assessments, serial and/or term improvement bonds shall be issued in such series and shall mature in such principal amounts and at such times (not to exceed 20 years from the second day of September next following their date) and at such rate or rates of interest (not to exceed the maximum rate permitted by applicable law) as shall be determined by the County at the time of the issuance and sale of the bonds. The provisions of Part 11.1 of the Improvement Bond Act of 1915 shall apply to the calling of the bonds. It is the intention of the County to create a special reserve fund for the bonds under Part 16 of the Improvement Bond Act of 1915. The County will not advance available surplus funds from its treasury to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that this determination shall not prevent the County from, in its sole discretion, so advancing funds. The bonds may be refunded under Division 11.5 of the California Streets

and Highways Code or other applicable laws permitting refunding of the bonds, upon the conditions specified by and at the determination of the County.

In connection with the issuance of bonds payable from contractual assessments, the County expects to obligate itself, through a covenant with the owners of the bonds, to exercise its foreclosure rights with respect to delinquent contractual assessment installments under specified circumstances.

Section 6. Public Hearing. Pursuant to the Act, the Board of Supervisors hereby orders that a public hearing be held before this Board at _____, on _____, 2010 at _____ a.m., for the purposes of allowing interested persons to object to or inquire about the proposed Program or any of its particulars. The public hearing may be continued from time to time as determined by the Board of Supervisors for a time not exceeding a total of 180 days.

At the time of the hearing, the Report described in Section 8 below shall be summarized and the Board of Supervisors shall afford all persons who are present 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 Contract described in Section 8 below, or the proposed financing provisions. Following the public hearing, the Board of Supervisors may adopt a resolution confirming the Report (the "Resolution Confirming Report") or may direct the Report's modification in any respect, or may abandon the proceedings.

The Board of Supervisors hereby orders the Clerk to publish a notice of public hearing once a week for two successive weeks. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice will commence upon the first day of publication and terminate at the end of the fourteenth day. The first publication shall occur not later than 20 days before the date of the public hearing.

Section 7. Notice to Water and Electric Providers. Pursuant to Section 5898.24 of the Streets & Highways Code, the Board of Supervisors has provided written notice of the proposed Program within the County to all water and electric providers within the boundaries of the County.

Section 8. Report. The Board of Supervisors hereby directs the Director of Housing & Community Development to prepare and file with the Board of Supervisors a report (the "Report") at or before the time of the public hearing described in Section 6 above containing all of the following:

(a) A map showing the boundaries of the territory within which contractual assessments are proposed to be offered, as set forth in Section 4 above.

(b) A draft contract (the "Contract") specifying the terms and conditions that would be agreed to by the County and a property owner within the County. The Contract may allow property owners to purchase directly the related equipment and materials for the installation of the Authorized Improvements and to contract directly for the installation of such Authorized Improvements.

(c) A statement of the County's policies concerning contractual assessments including all of the following:

(1) Identification of types of Authorized Improvements that may be financed through the use of contractual assessments.

(2) Identification of the County official authorized to enter into contractual assessments on behalf of the County.

(3) A maximum aggregate dollar amount of contractual assessments in the County.

(4) A method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount.

(d) A plan for raising a capital amount required to pay for work performed pursuant to contractual assessments. The plan may include amounts to be advanced by the County through funds available to it from any source. The plan may include the sale of a bond or bonds or other financing relationship pursuant to Section 5898.28 of Chapter 29. The plan shall include a statement of or method for determining the interest rate and time period during which contracting property owners would pay any assessment. The plan shall provide for any reserve fund or funds. The plan shall provide for the apportionment of all or any portion of the costs incidental to financing, administration, and collection of the Program among the consenting property owners and the County.

(e) A report on the results of the consultations with the County Auditor-Controller described in Section 10 below concerning the additional fees, if any, that will be charged for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property, and a plan for financing the payment of those fees.

Section 9. Nature of Assessments. Assessments levied pursuant to Chapter 29, and the interest and any penalties thereon, will constitute a lien against the lots and parcels of land on which they are made, until they are paid. Unless otherwise directed by the Board of Supervisors, the assessments shall be collected in the same manner and at the same time as the general taxes of the County on real property are payable, and subject to the same penalties and remedies and lien priorities in the event of delinquency and default.

Section 10. Consultations with County Auditor-Controller. The Board of Supervisors hereby directs the Director of Housing & Community Development to enter into consultations with the County Auditor-Controller in order to reach agreement on what additional fees, if any, will be charged to the County for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property.

Section 11. Preparation of Current Roll of Assessment. Pursuant to Section 5898.24(c), the County hereby designates the Director of Housing & Community Development (or his/her designee) as the responsible official for annually preparing the current roll of assessment obligations by assessor's parcel number on property subject to a voluntary contractual assessment in consultation with other responsible officials.

Section 12. Procedures for Responding to Inquiries. The Director of Housing & Community Development shall establish procedures to promptly respond to inquiries concerning current and future estimated liability for a voluntary contractual assessment in consultation with other responsible officials.

Section 13. 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 ___ day of _____, 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

APPROVED AS TO ACCOUNTING FORM:

ROBERT GEIS
AUDITOR-CONTROLLER

By: _____
Deputy County Counsel

By: _____

RESOLUTION NO. 5224

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA APPROVING COUNTY OF SANTA BARBARA RESOLUTION OF INTENTION TO FINANCE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, AND ENERGY EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, the County has notified the City of Carpinteria (the "City") that the Board of Supervisors of the County will consider forming a contractual assessment program (the "Program"), pursuant to which the County will enter into contractual assessments to finance the installation of Authorized Improvements; and

WHEREAS, the County has provided the City with a form of a resolution to be considered by the Board of Supervisors of the County entitled "Resolution Declaring Intention to Finance Installation of Distributed Generation Renewable Energy Sources, and Energy Efficiency and Water Efficiency Improvements" (the "County Resolution of Intention"), which form of County Resolution of Intention is attached as Exhibit A; and

WHEREAS, the City Council has reviewed the County Resolution of Intention, and the City Council wishes to provide for the contractual assessment financing of the installation of Authorized Improvements through the Program within the incorporated territory of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carpinteria as follows:

SECTION 1. Findings. The City Council hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) A public purpose will be served by establishing a voluntary contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the incorporated territory of the City. Properties in the incorporated territory of the City will benefit from the Program.
- (c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.
- (d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic stability and environmental stewardship through participation in the green economy.

(e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the City.

(f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

SECTION 2. Approval of Resolution of Intention and Other Related Matters. The City Council hereby approves the County Resolution of Intention, in substantially the form and substance attached to this Resolution as Exhibit A. The City Council hereby consents to including the incorporated territory of the City within the territory covered by the Program. The City Council hereby consents pursuant to California Streets and Highways Code Section 5118 to the financing by the County of installation of the Authorized Improvements within the incorporated territory of the City.

The City Council's consent to including the incorporated territory of the City within the territory covered by the Program constitutes the City Council's assent to the assumption by the County of jurisdiction over such incorporated territory for all purposes of the financing of installation of Authorized Improvements on property within the incorporated territory of the City and other matters specified in California Streets and Highways Code Section 5118.

SECTION 3. Official Actions. The City Manager is authorized and directed in the name and on behalf of the City to undertake any and all actions necessary to accomplish the purposes of this Resolution.

SECTION 4. Effective Date. This resolution shall take effect immediately upon its adoption.

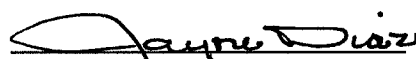
PASSED, APPROVED AND ADOPTED this 8th day of March, 2010, by the following roll call vote:

AYES:	COUNCILMEMBERS:	Stein, Clark, Reddington, Armendariz, Carty
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None



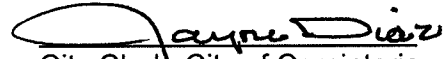
Mayor, City of Carpinteria

ATTEST:



City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held this 8th day of March 2010.


City Clerk, City of Carpinteria

APPROVED AS TO FORM:

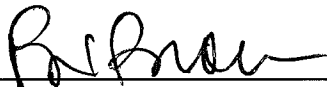

City Attorney, City of Carpinteria

EXHIBIT A

FORM OF RESOLUTION OF INTENTION

Jan 6, 2010 DRAFT provided by Jones Hall

RESOLUTION NO. _____

**RESOLUTION DECLARING INTENTION TO FINANCE INSTALLATION OF
DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, AND
ENERGY EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS**

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, the Board of Supervisors wishes to declare 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;

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

Section 1. Findings. The County hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the County.
- (c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.
- (d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic growth and stability, and environmental stewardship through participation in the green economy.
- (e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the County.
- (f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

Section 2. Determination of Public Interest. The Board of Supervisors hereby determines that (a) it would be convenient, advantageous, and in the public interest to designate an area, which shall encompass the territory described in Section 4 below, within which the County and property owners within the County may enter into contractual assessments to finance the installation of Authorized Improvements pursuant to Chapter 29 and (b) it is in the public interest for the County to finance the installation of Authorized Improvements in the County pursuant to Chapter 29.

Section 3. Identification of Authorized Improvements. The Board of Supervisors hereby declares that it proposes to make contractual assessment financing available to property owners to finance installation of Authorized Improvements, including but not limited to those improvements detailed in the Report described in Section 8 below, as that Report may be amended from time to time.

Section 4. Identification of Boundaries. Contractual assessments may be entered into by property owners located within the entire geographic territory of the County. The County provided a form of this Resolution to each of the eight incorporated cities in the County, and the legislative body of each of the eight cities has (i) approved this Resolution, (ii) consented to including its incorporated territory within the territory covered by the Program and (iii) approved the financing of installation of the Authorized Improvements within such incorporated territory. The Board of Supervisors hereby finds that including the incorporated territory within the boundaries of the Program will benefit such territory.

The Board of Supervisors intends to enter into agreements with each of the eight cities in the County to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory.

Section 5. Proposed Financing Arrangements. Under Chapter 29, the County may issue bonds or enter into other financing relationships pursuant to Chapter 29 that are payable by contractual assessments and the County may advance its own funds to finance work to be repaid through contractual assessments, and may from time to time sell bonds to reimburse itself for such advances. Division 10 (commencing with Section 8500) of the Streets & Highways Code of the State (the "Improvement Bond Act of 1915") shall apply to any bonds issued pursuant to Chapter 29, insofar as the Improvement Bond Act of 1915 is not in conflict with Chapter 29.

The County shall determine the creditworthiness of a property owner to participate in the financing of Authorized Improvements based on the criteria developed by the County in consultation with the Program financing team, as such criteria shall be set forth in the Report described in Section 8 below, as that Report may be amended from time to time.

In connection with bonds issued under the Improvement Bond Act of 1915 that are payable from contractual assessments, serial and/or term improvement bonds shall be issued in such series and shall mature in such principal amounts and at such times (not to exceed 20 years from the second day of September next following their date) and at such rate or rates of interest (not to exceed the maximum rate permitted by applicable law) as shall be determined by the County at the time of the issuance and sale of the bonds. The provisions of Part 11.1 of the Improvement Bond Act of 1915 shall apply to the calling of the bonds. It is the intention of the County to create a special reserve fund for the bonds under Part 16 of the Improvement Bond Act of 1915. The County will not advance available surplus funds from its treasury to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that this determination shall not prevent the County from, in its sole discretion, so

advancing funds. The bonds may be refunded under Division 11.5 of the California Streets and Highways Code or other applicable laws permitting refunding of the bonds, upon the conditions specified by and at the determination of the County.

In connection with the issuance of bonds payable from contractual assessments, the County expects to obligate itself, through a covenant with the owners of the bonds, to exercise its foreclosure rights with respect to delinquent contractual assessment installments under specified circumstances.

Section 6. Public Hearing. Pursuant to the Act, the Board of Supervisors hereby orders that a public hearing be held before this Board at _____, on _____, 2010 at _____ a.m., for the purposes of allowing interested persons to object to or inquire about the proposed Program or any of its particulars. The public hearing may be continued from time to time as determined by the Board of Supervisors for a time not exceeding a total of 180 days.

At the time of the hearing, the Report described in Section 8 below shall be summarized and the Board of Supervisors shall afford all persons who are present 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 Contract described in Section 8 below, or the proposed financing provisions. Following the public hearing, the Board of Supervisors may adopt a resolution confirming the Report (the "Resolution Confirming Report") or may direct the Report's modification in any respect, or may abandon the proceedings.

The Board of Supervisors hereby orders the Clerk to publish a notice of public hearing once a week for two successive weeks. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice will commence upon the first day of publication and terminate at the end of the fourteenth day. The first publication shall occur not later than 20 days before the date of the public hearing.

Section 7. Notice to Water and Electric Providers. Pursuant to Section 5898.24 of the Streets & Highways Code, the Board of Supervisors has provided written notice of the proposed Program within the County to all water and electric providers within the boundaries of the County.

Section 8. Report. The Board of Supervisors hereby directs the Director of Housing & Community Development to prepare and file with the Board of Supervisors a report (the "Report") at or before the time of the public hearing described in Section 6 above containing all of the following:

(a) A map showing the boundaries of the territory within which contractual assessments are proposed to be offered, as set forth in Section 4 above.

(b) A draft contract (the "Contract") specifying the terms and conditions that would be agreed to by the County and a property owner within the County. The Contract may allow property owners to purchase directly the related equipment and materials for the installation of the Authorized Improvements and to contract directly for the installation of such Authorized Improvements.

(c) A statement of the County's policies concerning contractual assessments including all of the following:

(1) Identification of types of Authorized Improvements that may be financed through the use of contractual assessments.

(2) Identification of the County official authorized to enter into contractual assessments on behalf of the County.

(3) A maximum aggregate dollar amount of contractual assessments in the County.

(4) A method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount.

(d) A plan for raising a capital amount required to pay for work performed pursuant to contractual assessments. The plan may include amounts to be advanced by the County through funds available to it from any source. The plan may include the sale of a bond or bonds or other financing relationship pursuant to Section 5898.28 of Chapter 29. The plan shall include a statement of or method for determining the interest rate and time period during which contracting property owners would pay any assessment. The plan shall provide for any reserve fund or funds. The plan shall provide for the apportionment of all or any portion of the costs incidental to financing, administration, and collection of the Program among the consenting property owners and the County.

(e) A report on the results of the consultations with the County Auditor-Controller described in Section 10 below concerning the additional fees, if any, that will be charged for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property, and a plan for financing the payment of those fees.

Section 9. Nature of Assessments. Assessments levied pursuant to Chapter 29, and the interest and any penalties thereon, will constitute a lien against the lots and parcels of land on which they are made, until they are paid. Unless otherwise directed by the Board of Supervisors, the assessments shall be collected in the same manner and at the same time as the general taxes of the County on real property are payable, and subject to the same penalties and remedies and lien priorities in the event of delinquency and default.

Section 10. Consultations with County Auditor-Controller. The Board of Supervisors hereby directs the Director of Housing & Community Development to enter into consultations with the County Auditor-Controller in order to reach agreement on what additional fees, if any, will be charged to the County for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property.

Section 11. Preparation of Current Roll of Assessment. Pursuant to Section 5898.24(c), the County hereby designates the Director of Housing & Community Development (or his/her designee) as the responsible official for annually preparing the current roll of assessment obligations by assessor's parcel number on property subject to a voluntary contractual assessment in consultation with other responsible officials.

Section 12. Procedures for Responding to Inquiries. The Director of Housing & Community Development shall establish procedures to promptly respond to inquiries concerning current and future estimated liability for a voluntary contractual assessment in consultation with other responsible officials.

Section 13. 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 ___ day of _____, 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: _____

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

I, Brenda Alcazar, Deputy City Clerk in and for the City of Santa Barbara, California, DO HEREBY CERTIFY that attached is a full, true and correct copy of City Council Resolution No. 10-012, adopted by the City Council of the City of Santa Barbara at their regular meeting held on March 9, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of said City to be affixed this 10th day of March, 2010.

(SEAL)



Brenda Alcazar, Deputy City Clerk

RESOLUTION NO. 10-012

RESOLUTION APPROVING COUNTY OF SANTA BARBARA RESOLUTION OF INTENTION, CONSENTING TO PARTICIPATION IN CONTRACTUAL ASSESSMENT PROGRAM AND APPROVING THE FINANCING OF INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, AND ENERGY EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS WITHIN THE INCORPORATED AREA OF THE CITY

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements");

WHEREAS, the County has notified the City of Santa Barbara (the "City") that the Board of Supervisors of the County will consider forming a contractual assessment program (the "Program"), pursuant to which the County will enter into contractual assessments to finance the installation of Authorized Improvements;

WHEREAS, the County has provided the City with a form of a resolution to be considered by the Board of Supervisors of the County entitled "Resolution Declaring Intention to Finance Installation of Distributed Generation Renewable Energy Sources, and Energy Efficiency and Water Efficiency Improvements" (the "County Resolution of Intention"), which form of County Resolution of Intention is attached as Exhibit A; and

WHEREAS, the City Council has reviewed the County Resolution of Intention, and the City Council wishes to provide for the contractual assessment financing of the installation of Authorized Improvements through the Program within the incorporated territory of the City; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Barbara as follows:

Section 1. Findings. The City Council hereby finds and declares the following:

(a) The above recitals are true and correct.

(b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the incorporated territory of the City. Properties in the incorporated territory of the City will benefit from the Program.

(c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.

(d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic stability and environmental stewardship through participation in the green economy.

(e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the City.

(f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

Section 2. Approval of Resolution of Intention and Other Related Matters. The City Council hereby approves the County Resolution of Intention, in substantially the form attached to this Resolution as Exhibit A, which County Resolution may be amended by the Board of Supervisors at the time of its adoption without further approval by the City Council. The City Council hereby consents to including the incorporated territory of the City within the territory covered by the Program. The City Council hereby approves the financing by the County of installation of the Authorized Improvements within the incorporated territory of the City.

The City Council's consent to including the incorporated territory of the City within the territory covered by the Program constitutes the City's Council's assent to the assumption by the County of jurisdiction over such incorporated territory for all purposes of the financing of installation of Authorized Improvements on property within the incorporated territory of the City and authorizes the Board of Supervisors to take each and every step required for or suitable for the consummation of the Program within the incorporated territory of the City, and the levying, collecting and enforcement of the contractual assessments to finance the Authorized Improvements and to cover the expenses of the Program, and the issuance and enforcement of bonds to represent unpaid contractual assessments.

Section 3. Approval of Cooperation Agreement. The City Council hereby authorizes the City Administrator, on behalf of the City, to execute a cooperation agreement with the County, which agreements shall be in substantially the form considered by the City Council when adopting this resolution, to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory of the City.

Section 4. Official Actions. The City Administrator is authorized and directed in the name and on behalf of the City to undertake any and all actions necessary to accomplish the purposes of this Resolution.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption.

I hereby certify that the foregoing resolution was duly and regularly adopted and passed by the City Council of the City of Santa Barbara, California, at a regular meeting thereof held on the 9th day of March, 2010, by the following vote of the members thereof:

AYES, and in favor of, thereof: Councilmembers Dale Francisco, Frank Hotchkiss, Grant House, Michael Self, Bendy White, Das Williams, Mayor Helene Schneider.

NOES, Councilmembers: None.

ABSENT, Councilmembers: None.


Cynthia M. Rodriguez
City Clerk Services Manager

APPROVED:


Helene Schneider
Mayor



EXHIBIT A

FORM OF RESOLUTION OF INTENTION

Jan 6, 2010 DRAFT provided by Jones Hall

RESOLUTION NO. ____

**RESOLUTION DECLARING INTENTION TO FINANCE INSTALLATION OF
DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, AND
ENERGY EFFICIENCY AND WATER EFFICIENCY IMPROVEMENTS**

WHEREAS, the County of Santa Barbara (the "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 enter into contractual assessments to finance the installation of distributed generation renewable energy sources, and energy efficiency and water efficiency improvements that are permanently fixed to real property ("Authorized Improvements"); and

WHEREAS, the Board of Supervisors wishes to declare 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;

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

Section 1. Findings. The County hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) A public purpose will be served by establishing a contractual assessment program, pursuant to which the County will finance the installation of Authorized Improvements to residential, commercial, industrial, or other real property in the County.
- (c) The upfront cost of making residential, commercial, industrial, or other real property more energy and water efficient, along with the fact that most commercial loans for that purpose are due on the sale of the property, prevents many property owners from installing Authorized Improvements.
- (d) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, will support efforts to foster communitywide sustainability and lowered greenhouse gas emissions by promoting economic growth and stability, and environmental stewardship through participation in the green economy.
- (e) Energy conservation efforts, including the promotion of energy-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of global climate change and the reduction of greenhouse gas emissions in the County.
- (f) Water conservation efforts, including the promotion of water-related Authorized Improvements to residential, commercial, industrial, or other real property, are necessary to address the issue of chronic water shortages in California.

Section 2. Determination of Public Interest. The Board of Supervisors hereby determines that (a) it would be convenient, advantageous, and in the public interest to designate an area, which shall encompass the territory described in Section 4 below, within which the County and property owners within the County may enter into contractual assessments to finance the installation of Authorized Improvements pursuant to Chapter 29 and (b) it is in the public interest for the County to finance the installation of Authorized Improvements in the County pursuant to Chapter 29.

Section 3. Identification of Authorized Improvements. The Board of Supervisors hereby declares that it proposes to make contractual assessment financing available to property owners to finance installation of Authorized Improvements, including but not limited to those improvements detailed in the Report described in Section 8 below, as that Report may be amended from time to time.

Section 4. Identification of Boundaries. Contractual assessments may be entered into by property owners located within the entire geographic territory of the County. The County provided a form of this Resolution to each of the eight incorporated cities in the County, and the legislative body of each of the eight cities has (i) approved this Resolution, (ii) consented to including its incorporated territory within the territory covered by the Program and (iii) approved the financing of installation of the Authorized Improvements within such incorporated territory. The Board of Supervisors hereby finds that including the incorporated territory within the boundaries of the Program will benefit such territory.

The Board of Supervisors intends to enter into agreements with each of the eight cities in the County to reflect the terms on which the County and the City will cooperate to offer the Program within the incorporated territory.

Section 5. Proposed Financing Arrangements. Under Chapter 29, the County may issue bonds or enter into other financing relationships pursuant to Chapter 29 that are payable by contractual assessments and the County may advance its own funds to finance work to be repaid through contractual assessments, and may from time to time sell bonds to reimburse itself for such advances. Division 10 (commencing with Section 8500) of the Streets & Highways Code of the State (the "Improvement Bond Act of 1915") shall apply to any bonds issued pursuant to Chapter 29, insofar as the Improvement Bond Act of 1915 is not in conflict with Chapter 29.

The County shall determine the creditworthiness of a property owner to participate in the financing of Authorized Improvements based on the criteria developed by the County in consultation with the Program financing team, as such criteria shall be set forth in the Report described in Section 8 below, as that Report may be amended from time to time.

In connection with bonds issued under the Improvement Bond Act of 1915 that are payable from contractual assessments, serial and/or term improvement bonds shall be issued in such series and shall mature in such principal amounts and at such times (not to exceed 20 years from the second day of September next following their date) and at such rate or rates of interest (not to exceed the maximum rate permitted by applicable law) as shall be determined by the County at the time of the issuance and sale of the bonds. The provisions of Part 11.1 of the Improvement Bond Act of 1915 shall apply to the calling of the bonds. It is the intention of the County to create a special reserve fund for the bonds under Part 16 of the Improvement Bond Act of 1915. The County will not advance available surplus funds from its treasury to cure any deficiency in the redemption fund to be created with respect to the bonds; provided, however, that this determination shall not prevent the County from, in its sole discretion, so advancing funds. The bonds may be refunded under Division 11.5 of the California Streets

and Highways Code or other applicable laws permitting refunding of the bonds, upon the conditions specified by and at the determination of the County.

In connection with the issuance of bonds payable from contractual assessments, the County expects to obligate itself, through a covenant with the owners of the bonds, to exercise its foreclosure rights with respect to delinquent contractual assessment installments under specified circumstances.

Section 6. Public Hearing. Pursuant to the Act, the Board of Supervisors hereby orders that a public hearing be held before this Board at _____, on _____, _____, 2010 at _____ a.m., for the purposes of allowing interested persons to object to or inquire about the proposed Program or any of its particulars. The public hearing may be continued from time to time as determined by the Board of Supervisors for a time not exceeding a total of 180 days.

At the time of the hearing, the Report described in Section 8 below shall be summarized and the Board of Supervisors shall afford all persons who are present 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 Contract described in Section 8 below, or the proposed financing provisions. Following the public hearing, the Board of Supervisors may adopt a resolution confirming the Report (the "Resolution Confirming Report") or may direct the Report's modification in any respect, or may abandon the proceedings.

The Board of Supervisors hereby orders the Clerk to publish a notice of public hearing once a week for two successive weeks. Two publications in a newspaper published once a week or more often, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice will commence upon the first day of publication and terminate at the end of the fourteenth day. The first publication shall occur not later than 20 days before the date of the public hearing.

Section 7. Notice to Water and Electric Providers. Pursuant to Section 5898.24 of the Streets & Highways Code, the Board of Supervisors has provided written notice of the proposed Program within the County to all water and electric providers within the boundaries of the County.

Section 8. Report. The Board of Supervisors hereby directs the Director of Housing & Community Development to prepare and file with the Board of Supervisors a report (the "Report") at or before the time of the public hearing described in Section 6 above containing all of the following:

(a) A map showing the boundaries of the territory within which contractual assessments are proposed to be offered, as set forth in Section 4 above.

(b) A draft contract (the "Contract") specifying the terms and conditions that would be agreed to by the County and a property owner within the County. The Contract may allow property owners to purchase directly the related equipment and materials for the installation of the Authorized Improvements and to contract directly for the installation of such Authorized Improvements.

(c) A statement of the County's policies concerning contractual assessments including all of the following:

(1) Identification of types of Authorized Improvements that may be financed through the use of contractual assessments.

(2) Identification of the County official authorized to enter into contractual assessments on behalf of the County.

(3) A maximum aggregate dollar amount of contractual assessments in the County.

(4) A method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount.

(d) A plan for raising a capital amount required to pay for work performed pursuant to contractual assessments. The plan may include amounts to be advanced by the County through funds available to it from any source. The plan may include the sale of a bond or bonds or other financing relationship pursuant to Section 5898.28 of Chapter 29. The plan shall include a statement of or method for determining the interest rate and time period during which contracting property owners would pay any assessment. The plan shall provide for any reserve fund or funds. The plan shall provide for the apportionment of all or any portion of the costs incidental to financing, administration, and collection of the Program among the consenting property owners and the County.

(e) A report on the results of the consultations with the County Auditor-Controller described in Section 10 below concerning the additional fees, if any, that will be charged for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property, and a plan for financing the payment of those fees.

Section 9. Nature of Assessments. Assessments levied pursuant to Chapter 29, and the interest and any penalties thereon, will constitute a lien against the lots and parcels of land on which they are made, until they are paid. Unless otherwise directed by the Board of Supervisors, the assessments shall be collected in the same manner and at the same time as the general taxes of the County on real property are payable, and subject to the same penalties and remedies and lien priorities in the event of delinquency and default.

Section 10. Consultations with County Auditor-Controller. The Board of Supervisors hereby directs the Director of Housing & Community Development to enter into consultations with the County Auditor-Controller in order to reach agreement on what additional fees, if any, will be charged to the County for incorporating the proposed contractual assessments into the assessments of the general taxes of the County on real property.

Section 11. Preparation of Current Roll of Assessment. Pursuant to Section 5898.24(c), the County hereby designates the Director of Housing & Community Development (or his/her designee) as the responsible official for annually preparing the current roll of assessment obligations by assessor's parcel number on property subject to a voluntary contractual assessment in consultation with other responsible officials.

Section 12. Procedures for Responding to Inquiries. The Director of Housing & Community Development shall establish procedures to promptly respond to inquiries concerning current and future estimated liability for a voluntary contractual assessment in consultation with other responsible officials.

Section 13. 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 ___ day of _____, 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: _____