

RESOLUTION NO. 18-46

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA DECLARING INTENTION TO CONSENT TO THE INCLUSION OF COMMERCIAL PROPERTIES WITHIN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SANTA BARBARA TO PARTICIPATE IN THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (“CSCDA”) OPEN PACE PROGRAM

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

WHEREAS, CSCDA has established and is implementing a Property Assessed Clean Energy (PACE) program, which it has designated as the CSCDA Open PACE Program (the “Program”), administered by separate program administrators (collectively with any successors, assigns, replacements or additions, the “Program Administrators”), to allow the financing or refinancing of renewable energy, energy and water efficiency improvements, electric vehicle charging infrastructure and such other improvements or other work as may be authorized by law from time to time (collectively, the “Improvements”) through the levy of voluntary contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code (“Chapter 29”) within counties and cities throughout the State of California that consent to the implementation of the Program within their respective territories ; and

WHEREAS, the Program Administrators currently active in administering the Program are the AllianceNRG Program (CounterPointe Energy Solutions (CA) LLC), CaliforniaFirst (Renewable Funding LLC), and CleanFund Commercial PACE Capital, and CSCDA shall notify the County in advance of any additions or changes; and

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

WHEREAS, the County desires to allow Participating Property Owners of “Commercial Property,” defined as any real property other than residential property consisting of 4 units or less,” within its unincorporated territory to participate in the Program; and

WHEREAS, the Board of Supervisors of the County of Santa Barbara is adopting this Resolution indicating its intention to consent to the implementation of the Program by designating the territory within which assessments may be levied for the Program to include all of the unincorporated territory within the County’s official boundaries , within which authorized public agency officials and Participating Property Owners may enter into voluntary contractual assessments to finance the installation of Improvements that are permanently fixed to Commercial Property pursuant to Chapter 29; and

WHEREAS, on November 6, 2014 pursuant to Section 5898.20 of the California Streets and Highways Code, CSCDA adopted Resolution No. 14R-61, a Resolution Declaring Intention to Finance or Refinance the Installation of Distributed Generation Renewable Energy Sources, Energy Efficiency Improvements, Water Efficiency Improvements, Seismic Strengthening Improvements, Electric Vehicle Charging Infrastructure and Other Work, Infrastructure or Improvements Authorized by Law; (Attachment 1) (the “CSCDA Resolution of Intent”); and

WHEREAS, on CSCDA prepared a report pursuant to Section 5898.22 of the California Streets and Highways Code (the “CSCDA Report”) (Attachment 2); and

WHEREAS, on December 4, 2014, pursuant to Section 5898.26 of the California Streets and Highways Code, CSCDA adopted Resolution No. 14R-66, a Resolution Confirming Report Relating to the Financing or Refinancing of the Installation of Distributed Generation Renewable Energy Sources, Energy Efficiency Improvements, Water Efficiency Improvements, Seismic Strengthening Improvements, Electric Vehicle Charging Infrastructure and Other Work, Infrastructure or Improvements Authorized by Law and Approving, Directing and Ordering Other Related Matters (the “CSCDA Resolution Confirming Report”) (Attachment 3); and

WHEREAS, the County of Santa Barbara’s adoption of this Resolution to consent to the implementation of the Program in its territory shall not constitute or be construed as undertaking, opening, commencing, or reinitiating any proceedings to establish its own PACE program pursuant to Chapter 29; and

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

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

Section 1. The Board of Supervisors of the County of Santa Barbara hereby finds, declare, and determines that it would be convenient, advantageous, and in the public interest, and indicates its intention, to consent to the implementation of the Program by designating the entire unincorporated territory within the County’s official boundaries as the area within which CSCDA and Participating Property Owners may enter into voluntary contractual assessment to finance the installation of Improvements that are permanently fixed to Commercial Property pursuant to Section 5898.20, subdivision (a)(2) of the California Streets and Highways Code.

Section 2. The arrangements for financing the Program for which the County intends to consent to implementation and a description of criteria for determining the creditworthiness of Participating Property Owners are described in the CSCDA Report (Attachment 2).

Section 3. The Board of Supervisors hereby orders that a public hearing shall be held at which interested persons may object to or inquire about the County's intention to consent to the implementation of the Program or any of its particulars on April 3, 2018 at the Santa Barbara County Administration Building, Board Hearing Room, Fourth Floor, 105 East Anapamu Street, Santa Barbara, CA 93101 at 9:00am, or such a later date and time selected by the County.

Section 4. CSCDA and/or its Program Administrators shall enter into consultations with the County's Office of the Auditor-Controller in order to reach agreement on what additional fees, if any, will be charged for incorporating voluntary contractual assessments into the assessments of the general taxes of the County on real property.

Section 5. The Board of Supervisors hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the adoption of the Resolution is the creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

Section 6. This Resolution shall take effect immediately upon its adoption. The Clerk of the Board of Supervisors is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of CSCDA at: Secretary of the Board, California Statewide Communities Development Authority, 1400 K Street, Sacramento, CA 95814.

PASSED AND ADOPTED this 13th day of March, 2018 by the following vote, to wit:


AYES: Supervisor Williams, Supervisor Wolf, Supervisor Hartmann, and Supervisor Lavagnino

NOES: None

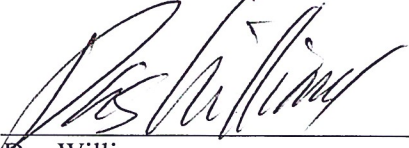
ABSENT: Supervisor Adam

ABSTAIN: None

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

By: 
Deputy Clerk

COUNTY OF SANTA BARBARA:

By: 
Das Williams
Chair, Board of Supervisors