

RESOLUTION NO: 18-74

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA
CONSENTING TO THE IMPLEMENTATION OF THE CALIFORNIA STATEWIDE
COMMUNITIES DEVELOPMENT AUTHORITY ("CSCDA") OPEN PACE PROGRAM FOR
THE FINANCING OR REFINANCING OF THE INSTALLATION OF DISTRIBUTED
GENERATION RENEWABLE ENERGY SOURCES, ENERGY EFFICIENCY
IMPROVEMENTS, WATER EFFICIENCY IMPROVEMENTS, AND ELECTRIC VEHICLE
CHARGING INFRASTRUCTURE THAT ARE PERMANENTLY FIXED TO COMMERCIAL
PROPERTY WITHIN THE UNINCORPORATED AREA OF THE COUNTY OF SANTA
BARBARA PURSUANT TO CHAPTER 29.**

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, 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, 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, on March 13, 2018, the Board of Supervisors of the County of Santa Barbara adopted the 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, on April 3, 2018, the Board of Supervisors of the County of Santa Barbara held a public hearing where all persons present were afforded an opportunity to comment upon, object to, or present evidence with regard to the Program, the extent of the area proposed to be included within the Program, the terms and conditions of the agreement with CSCDA, or the proposed financing provisions of the Program.

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

Section 1. The County Board of Supervisors adopts this Resolution consenting to the implementation of the Program for the financing of Improvements that are permanently fixed to Commercial Property within the unincorporated area of the County for Participating Property Owners.

Section 2. Adoption of this Resolution shall serve as the confirmation of the CSCDA Report and authorizes CSCDA to take any and all actions within County’s unincorporated territory authorized by Chapter 29 for the Program.

Section 3. In connection with the Program, the County hereby consents to the conduct of special assessment proceedings by CSCDA pursuant to Chapter 29 on any Commercial Property within

the territory of the County and the issuance of bonds to finance or refinance Improvements; provided, that

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

(2) The 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 Program.

Section 4. The appropriate officials and staff of the County are hereby authorized and directed to make applications for the Program available to all Participating Property Owners of Commercial Property that wish to finance or refinance Improvements; provided, that CSCDA shall be responsible for providing such applications and related materials at its own expense. The following staff persons, together with any other staff persons chosen by the County Executive Officer of the County from time to time, are hereby designated as the contact persons for the County in connection with the Programs: Division Chief, Energy and Sustainability Initiatives.

Section 5. The appropriate officials and staff of the County are hereby authorized and directed to execute and deliver such certificates and related documents as are reasonably required by CSCDA to implement the Program.

Section 6. 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 7. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 3rd day of April, 20__ by the following vote, to wit:

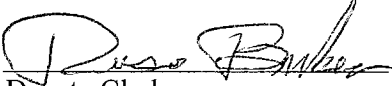
AYES: Supervisors Williams, Wolf, Hartmann, Adam, and Lavgnino

NOES: None _____


ABSENT: None

ABSTAIN: None

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

By: 
Deputy Clerk

COUNTY OF SANTA BARBARA:

By: 
Das Williams
Chair, Board of Supervisors