

1 [Authorizing Participation in the CaliforniaFIRST Program - Renewable Energy Efficiency  
2 Program]

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3 **Resolution authorizing the City and County of San Francisco to join the**  
4 **CaliforniaFIRST Program; authorizing the California Statewide Communities**  
5 **Development Authority to accept applications from property owners, conduct**  
6 **contractual assessment proceedings, and levy contractual assessments within the**  
7 **territory of the City and County; and authorizing related actions as defined in the**  
8 **Resolution.**

9

10 WHEREAS, The California Statewide Communities Development Authority (“California  
11 Communities”) is a joint exercise of powers authority comprised of numerous cities and  
12 counties in the State of California, including the City and County of San Francisco (the “City”);  
13 and

14 WHEREAS, California Communities has established the CaliforniaFIRST program to  
15 help finance certain renewable energy, energy efficiency and water efficiency improvements  
16 (the “Improvements”) through the levy of contractual assessments pursuant to Chapter 29 of  
17 Division 7 of the Streets & Highways Code (“Chapter 29”) and the issuance of improvement  
18 bonds (“the Bonds”) under the Improvement Bond Act of 1915 (Streets and Highways Code,  
19 Sections 8500 and following) (the “1915 Act”), to be secured by the unpaid contractual  
20 assessments; and

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

24 WHEREAS, The City desires to allow the owners of property within its jurisdiction  
25 (“Participating Property Owners”) to participate in the CaliforniaFIRST Program and to allow

1 California Communities to conduct assessment proceedings under Chapter 29 and to issue  
2 Bonds under the 1915 Act to finance the Improvements; and

3 WHEREAS, California Communities will conduct assessment proceedings under  
4 Chapter 29 and issue Bonds under the 1915 Act to finance Improvements, and take such  
5 other measures to ensure that Bonds, and the assessment proceedings therefor, are valid  
6 under California law (the "Proceedings"); and

7 WHEREAS, The City will not be responsible for the conduct of any assessment  
8 proceedings, the levy or collection of assessments or any required remedial action in the case  
9 of delinquencies in such assessment payments, or the issuance, sale or administration of the  
10 Bonds or any other bonds issued in connection with the CaliforniaFIRST Program; and

11 WHEREAS, Pursuant to Government Code, Section 6586.5, the Clerk of the Board of  
12 Supervisors has caused a notice of public hearing to be published once at least five days prior  
13 to the date hereof in a newspaper of general circulation in the City; and

14 WHEREAS, The Board of Supervisors has conducted a public hearing concerning the  
15 significant public benefits of the CaliforniaFIRST Program and the financing of the  
16 Improvements; now, therefore, be it

17 RESOLVED, That the Board of Supervisors hereby finds and declares that the  
18 issuance of bonds by California Communities in connection with the CaliforniaFIRST Program  
19 will provide significant public benefits, including without limitation, savings in effective interest  
20 rate, bond preparation, bond underwriting and bond issuance costs and reductions in effective  
21 user charges levied by water and electricity providers within the boundaries of the City and  
22 County; and, be it

23 FURTHER RESOLVED, That, in connection with the CaliforniaFIRST Program, the  
24 Board of Supervisors hereby consents on behalf of the City and County to the conduct of  
25 special assessment proceedings by California Communities pursuant to Chapter 29 on any

1 property within the Proposed Boundaries and the issuance of Bonds under the 1915 Act;  
2 provided, that

3 (1) Such actions are conducted pursuant to the Proceedings;

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

7 (3) The City will not be responsible or liable for: the conduct of any assessment  
8 proceedings; the levy or collection of assessments or any required remedial action in the case  
9 of delinquencies in such assessment payments; or the issuance, sale or administration of the  
10 Bonds or any other bonds issued in connection with the CaliforniaFIRST Program; and

11 (4) The issuance of Bonds will occur following receipt of a final judgment in a  
12 validation action filed by California Communities pursuant to Code of Civil Procedure Section  
13 860 that the Bonds are legal obligations of California Communities; and, be it

14 FURTHER RESOLVED, That, pursuant to the requirements of Chapter 29, California  
15 Communities has prepared and will update from time to time the "Program Report" for the  
16 CaliforniaFIRST Program (the "Program Report"), and California Communities will undertake  
17 assessment proceedings and the financing of Improvements as set forth in the Program  
18 Report; and, be it

19 FURTHER RESOLVED, That the Director of the Department of the Environment, and  
20 the Director's designees, are hereby designated as the contact persons for California  
21 Communities in connection with the CaliforniaFIRST Program, and are hereby authorized and  
22 directed to make applications for the CaliforniaFIRST program available to all property owners  
23 who wish to finance Improvements, provided that California Communities shall be responsible  
24 for providing such applications and related materials at its own expense; and, be it

1           FURTHER RESOLVED, That the Mayor, the Controller, the Director of the Controller's  
2 Office of Public Finance, and the Director of the Department of the Environment (and  
3 designees of the foregoing), are hereby authorized and directed to execute and deliver such  
4 closing certificates, requisitions, agreements and related documents as are reasonably  
5 required by California Communities in accordance with the Program Report to implement the  
6 CaliforniaFIRST Program for Participating Property Owners, and report back periodically to  
7 this Board on the operation and effectiveness of such program; and, be it

8           FURTHER RESOLVED, That upon its adoption this Resolution shall go into effect  
9 immediately, and that the Clerk of the Board of Supervisors is hereby authorized and directed  
10 to transmit a certified copy of this resolution to the Secretary of California Communities at  
11 2999 Oak Road, Suite 770, Walnut Creek, California 94597.