

1 [Authorizing Participation in the California Statewide Communities Development Authority
2 Open PACE Program - Soft Story and Renewable Energy Financing]

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

9
10 WHEREAS, The California Statewide Communities Development Authority (the
11 “Authority”) is a joint exercise of powers authority, the members of which include numerous
12 cities and counties in the State of California, including the City and County of San Francisco
13 (the “City”); and

14 WHEREAS, The Authority has established its CSCDA Open PACE Program (the
15 “Program”) to allow the financing or refinancing of renewable energy, energy efficiency, water
16 efficiency and seismic strengthening improvements, electric vehicle charging infrastructure
17 and such other improvements, infrastructure or other work as may be authorized by law from
18 time to time (collectively, the “Improvements”) through the levy of contractual assessments
19 pursuant to Chapter 29 of Division 7 of the Streets & Highways Code (“Chapter 29”) within
20 counties and cities throughout the State of California that consent to the inclusion of
21 properties within their respective territories in the Program and the issuance of bonds from
22 time to time; and

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

1 WHEREAS, The Alliance NRG team (presently consisting of Deutsche Bank Securities
2 Inc., CounterPointe Energy Solutions, LLC and Leidos Engineering, LLC, in such allocation of
3 responsibilities as they may determine) (“Alliance NRG”) is one of the program administrators
4 for the Program; and

5 WHEREAS, The City desires to allow the owners of property (“Participating Property
6 Owners”) within its territory to participate in the Program and to allow the Authority to conduct
7 assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or
8 refinance Improvements; and

9 WHEREAS, The territory within which assessments may be levied for the Program
10 shall include all of the territory within the City’s official boundaries; and

11 WHEREAS, The Authority will conduct all assessment proceedings under Chapter 29
12 for the Program and issue any bonds issued in connection with the Program; and

13 WHEREAS, The City will not be responsible for the conduct of any assessment
14 proceedings; the levy of assessments; any required remedial action in the case of
15 delinquencies in such assessment payments; or the issuance, sale or administration of any
16 bonds issued in connection with the Program; now, therefore, be it

17 RESOLVED, That this Board of Supervisors hereby finds and declares that properties
18 in the territory of the City will benefit from the availability of the Program within the territory of
19 the City and, pursuant thereto, the conduct of special assessment proceedings by the
20 Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance
21 Improvements; and, be it

22 FURTHER RESOLVED, That in connection with the Program, the City hereby consents
23 to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on
24 any property within the territory of the City and the issuance of bonds to finance or refinance
25 Improvements; provided, that

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

4 (2) The City will not be responsible for the conduct of any assessment proceedings;
5 the levy of assessments; any required remedial action in the case of delinquencies in such
6 assessment payments; or the issuance, sale or administration of any bonds issued in
7 connection with the Program; and

8 (3) Alliance NRG will act as sole program administrator for the Program with
9 respect to any Improvements within the City that constitute seismic strengthening
10 improvements; and, be it

11 FURTHER RESOLVED, That appropriate officials and staff of the City, including the
12 Mayor, the Controller, the Director of the Controller’s Office of Public Finance, are hereby
13 authorized and directed to make applications for the Program available to all property owners
14 who wish to finance or refinance Improvements; provided, that the Authority shall be
15 responsible for providing such applications and related materials at its own expense; and, be
16 it

17 FURTHER RESOLVED, The following staff persons, together with any other staff
18 persons chosen by the Department of the Environment of the City from time to time, are
19 hereby designated as the contact persons for the Authority in connection with the Program:
20 Executive Director of the Department of the Environment; and, be it

21 FURTHER RESOLVED, That the appropriate officials and staff of the City, including
22 the Mayor, the Controller, the Director of the Controller’s Office of Public Finance, are hereby
23 authorized and directed to execute and deliver such certificates, requisitions, agreements and
24 related documents as are reasonably required by the Authority to implement the Program;
25 and, be it

1 FURTHER RESOLVED, That the Board of Supervisors hereby finds that adoption of
2 this Resolution is not a “project” under the California Environmental Quality Act, because the
3 Resolution does not involve any commitment to a specific project which may result in a
4 potentially significant physical impact on the environment, as contemplated by Title 14,
5 California Code of Regulations, Section 15378(b)(4)).

6 FURTHER RESOLVED, That this Resolution shall take effect immediately upon its
7 adoption. The Clerk of the Board of Supervisors is hereby authorized and directed to transmit
8 a certified copy of this resolution to the Secretary of the Authority at: Secretary of the Board,
9 California Statewide Communities Development Authority, 1400 K Street, Sacramento, CA
10 95814.

11 n:\financlas2014\1300517\00971823.doc