

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Ben Rosenfield, City Controller, Office of the City Controller
Deborah Raphael, Director, Department of the Environment
Nadia Sesay, Director, Controller's Office of Public Finance

FROM: Linda Wong, Assistant Clerk, Budget and Finance Sub-Committee

DATE: May 24, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Budget and Finance Sub-Committee has received the following proposed legislation:

File No. 170481

Resolution authorizing the execution of member acknowledgement addendums of the Regional Collaborative Services Agreement with the Association of Bay Area Governments to safeguard consumer interest of San Francisco residents' participation in residential Property-Assessed Clean Energy ("PACE") Programs.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Office of the City Controller
Guillermo Rodriguez, Department of the Environment

1 [Execution of Member Acknowledgement Addendums - Regional Collaborative Services
2 Agreement - Association of Bay Area Governments]

3 **Resolution authorizing the execution of member acknowledgement addendums of the**
4 **Regional Collaborative Services Agreement with the Association of Bay Area**
5 **Governments to safeguard consumer interest of San Francisco residents' participation**
6 **in residential Property-Assessed Clean Energy ("PACE") Programs.**

7
8 WHEREAS, The Association of Bay Area Governments ("ABAG") has developed a
9 Regional Collaborative Services Agreement ("RCSA") for residential Property Assessed Clean
10 Energy ("PACE") programs; and

11 WHEREAS, ABAG developed the RCSA for more efficient and cost effective review
12 and approval of residential potential PACE providers that commit to certain consumer
13 protection standards; and

14 WHEREAS, The RCSA safeguards consumer interests, level the playing field and
15 create transparency for host communities, such as the City, participating in PACE programs;
16 and

17 WHEREAS, The RCSA establishes terms, conditions and roles each Residential PACE
18 Provider ("RPP") will follow when operating in ABAG territory, and the RCSA includes
19 language stating that it also applies to actions of the RPP in participating cities/towns that
20 choose to authorize PACE programs with RPPs; and

21 WHEREAS, Provisions of the RCSA include, among other things, (i) designation of
22 ABAG as the liaison to the RPPs locally, (ii) requires all RPPs to have clearly visible
23 disclosures regarding the Federal Housing Finance Authority's policies on residential PACE
24 programs, (iii) requires all RPPs to participate in the State's PACE Loss Reserve program, (iv)
25 limits claims that RPPs (or their designated contractors) can make to applicants regarding the

1 tax deductibility of PACE assessments, (v) requires data sharing between the RPPs and
2 PACE programs to monitor program performance locally and report out to local agencies, and
3 (vi) requires RPPs to accept responsibility for negligence in administering PACE programs;
4 and

5 WHEREAS, The following six residential PACE programs have executed the RCSA
6 with ABAG:

- 7 • California HERO Program
- 8 • AllianceNRG Program
- 9 • PACE Funding Program
- 10 • YgreneWorks PACE Program
- 11 • Figtree PACE Program
- 12 • E3; and

13 WHEREAS, Residents of the City participating in residential PACE programs would
14 benefit from increased disclosure and transparency by RPPs, now, therefore, be it

15 RESOLVED, That Board finds and declares that the foregoing recitals are true and
16 correct; and, be it

17 FURTHER RESOLVED, That the Controller, the Executive Director of the Department
18 of the Environment and the Director of the Office of Public Finance and their respective
19 designees are hereby authorized and directed to execute and deliver such certificates, and
20 related documents as are reasonably required by ABAG to cause the execution and delivery
21 of the RCSA; provided however that nothing herein shall require the City to be responsible for
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1 costs associated with the execution of the RCSA or in connection with City residents
2 determining to participate in any residential PACE program; and, be it

3 FURTHER RESOLVED, This Resolution shall take effect immediately upon its
4 adoption.

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6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

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By: 

Mark D. Blake
Deputy City Attorney

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