

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

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
Mawuli Tugbenyoh, Liaison to the Board of Supervisors, Office of the Mayor

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. 170480

Resolution authorizing new program administrators in the California Statewide Communities Development Authority ("CSCDA") Open Property-Assessed Clean Energy Program; authorizing the CSCDA to accept applications from property owners, conduct contractual assessment proceedings, and levy contractual assessments within the territory of the City and County of San Francisco; and authorizing related actions as defined in this Resolution.

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 [Authorizing New Program Administrators - California Statewide Communities Development
2 Authority Open Property-Assessed Clean Energy Program - Soft Story and Renewable
3 Energy Financing]

4 **Resolution authorizing new program administrators in the California Statewide**
5 **Communities Development Authority (“CSCDA”) Open Property-Assessed Clean**
6 **Energy Program; authorizing the CSCDA to accept applications from property owners,**
7 **conduct contractual assessment proceedings, and levy contractual assessments**
8 **within the territory of the City and County of San Francisco; and authorizing related**
9 **actions, as defined in this Resolution.**

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

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

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

4 WHEREAS, The City has previously adopted Resolution No. 456-14, to allow the
5 owners of property within the City ("Participating Property Owners") to participate in the
6 Program and to allow the Authority to conduct assessment proceedings under Chapter 29
7 within its territory and to issue bonds to finance or refinance Improvements; and

8 WHEREAS, From time to time the Authority may add additional program administrators
9 to provide financing under the Program, and desires to permit such new program
10 administrators to provide financing to City residents without further action of this Board; 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 finds the foregoing recitals are true and correct; and, be it

18 FURTHER RESOLVED, That the City hereby consents to the participation of current
19 and future program administrators qualified into the Authority Program to provide financing to
20 City residents under the provisions of Chapter 29, provided that with respect to new program
21 administrators the Authority provides advance notice to the Executive Director of the
22 Department of the Environment and the Director of the Controller's Office of Public Finance;
23 and, be it

24 FURTHER RESOLVED, That, subject in all respects to the terms of Resolution
25 No. 456-14, the terms and provisions of which are incorporated by reference as it set forth in


1 full herein, and the terms of this Resolution, appropriate officials and staff of the City, including
2 the Mayor, the Controller, the Executive Director of the Department of the Environment and
3 the Director of the Controller's Office of Public Finance, are hereby authorized and directed to
4 make applications for the Program available to all property owners who wish to finance or
5 refinance Improvements; provided, that the Authority shall be responsible for providing such
6 applications and related materials at its own expense; and, be it

7 FURTHER RESOLVED, That the appropriate officials and staff of the City, including
8 the Mayor, the Controller, the Executive Director of the Department of the Environment, the
9 Director of the Controller's Office of Public Finance, are hereby authorized and directed to
10 execute and deliver such certificates, requisitions, agreements and related documents as are
11 reasonably required by the Authority to implement the Program; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors hereby finds that adoption of
13 this Resolution is not a "project" under the California Environmental Quality Act, because the
14 Resolution does not involve any commitment to a specific project which may result in a
15 potentially significant physical impact on the environment, as contemplated by Title 14,
16 California Code of Regulations, Section 15378(b)(4)); and, be it

17 FURTHER RESOLVED, That this Resolution shall take effect immediately upon its
18 adoption.

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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:  For
24 Mark D. Blake
25 Deputy City Attorney
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Supervisor Farrell
BOARD OF SUPERVISORS