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

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

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

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

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

WHEREAS, The City desires to allow the owners of property within its jurisdiction ("Participating Property Owners") to participate in the CaliforniaFIRST Program and to allow
California Communities to conduct assessment proceedings under Chapter 29 and to issue Bonds under the 1915 Act to finance the Improvements; and

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

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

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

FURTHER RESOLVED, That, in connection with the CaliforniaFIRST Program, the Board of Supervisors hereby consents on behalf of the City and County to the conduct of special assessment proceedings by California Communities pursuant to Chapter 29 on any property within the Proposed Boundaries and the issuance of Bonds under the 1915 Act; provided, that

(1) Such actions are conducted pursuant to the Proceedings;
(2) The Participating Property Owners, who shall be the legal owners of such 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

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

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

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

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

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

FURTHER RESOLVED, That upon its adoption this Resolution shall go into effect immediately, and that the Clerk of the Board of Supervisors is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of California Communities at 2999 Oak Road, Suite 770, Walnut Creek, California 94597.
Resolution authorizing the City and County of San Francisco to join the CaliforniaFIRST Program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings, and levy contractual assessments within the territory of the City and County; and authorizing related actions as defined in the Resolution.

December 03, 2014 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

December 03, 2014 Budget and Finance Committee - RECOMMENDED AS AMENDED

December 09, 2014 Board of Supervisors - ADOPTED

Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 12/9/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved: 12/17/2014