Resolution consenting to the inclusion of properties within the territory of the City and County of San Francisco in the California Statewide Communities Development Authority (CSCDA) Open PACE 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; and authorizing related actions as defined in the Resolution.

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

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

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner or owners of each lot or parcel on which an assessment is levied at the time the assessment is levied; and
WHEREAS, The Alliance NRG team (presently consisting of Deutsche Bank Securities Inc., CounterPointe Energy Solutions, LLC and Leidos Engineering, LLC, in such allocation of responsibilities as they may determine) ("Alliance NRG") is one of the program administrators for the Program; and

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

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

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

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

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

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

Mayor Lee; Supervisor Farrell
BOARD OF SUPERVISORS
(1) 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

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

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

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

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

FURTHER RESOLVED, That the appropriate officials and staff of the City, including the Mayor, the Controller, the Director of the Controller’s Office of Public Finance, are hereby authorized and directed to execute and deliver such certificates, requisitions, agreements and related documents as are reasonably required by the Authority to implement the Program; and, be it
FURTHER RESOLVED, That the Board of Supervisors hereby finds that adoption of this Resolution is not a “project” under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4)).

FURTHER RESOLVED, That this Resolution shall take effect immediately upon its adoption. The Clerk of the Board of Supervisors is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the Authority at: Secretary of the Board, California Statewide Communities Development Authority, 1400 K Street, Sacramento, CA 95814.
Resolution consenting to the inclusion of properties within the territory of the City and County of San Francisco in the California Statewide Communities Development Authority (CSCDA) Open PACE 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; and authorizing related actions as defined in the Resolution.

December 03, 2014 Budget and Finance Committee - RECOMMENDED

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