

RESOLUTION NO. 2016- \_C\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA  
CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S  
JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY  
PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION,  
ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC  
VEHICLE CHARGING INFRASTRUCTURE AND APPROVING  
ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS  
AUTHORITY RELATED THERETO

WHEREAS, the California Home Finance Authority, doing business as Golden State Finance Authority, (the "Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on July 1, 1993, as amended from time to time (the "Authority JPA"); and

WHEREAS, Authority has established a property-assessed clean energy ("PACE") Program (the "Authority PACE Program") to provide for the financing of renewable energy generation, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, City of Chula Vista (the "City") is committed to development of renewable energy generation and energy and water efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

WHEREAS, installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the Authority PACE Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency, and in doing so cooperate with Authority in order to efficiently and economically assist property owners within the City in financing such Improvements; and

WHEREAS, Authority has established the Authority PACE Program, which is such a voluntary contractual assessment program, as permitted by the Act, and the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA as provided by the JPA Agreement, a copy of which is

attached as Exhibit “A” hereto, in order to participate in the programs of the Authority and to assist property owners within the jurisdiction of the City in financing the cost of installing Improvements; and

WHEREAS, to protect the City in connection with operation of the Authority CFD No. 2014-1, Ygrene Energy Fund California LLC (“Ygrene”), the administrator of Authority CFD No. 2014-1, and the City will enter into an agreement providing for the defense and indemnification of the City, its officers and employees from claims arising from the Authority CFD No. 2014-1 as well as coverage of the City under certain insurance policies as an additional insured; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the Authority PACE Program.

WHEREAS, pursuant to the Authority JPA, the Authority agrees to defend and indemnify the City and to conduct the Program in accordance with state and local law, and the City’s PACE Program Guidelines.

NOW, THEREFORE, the City Council of Chula Vista does hereby resolve that:

1. This City Council finds and declares that properties in the City’s incorporated area will be benefited by the availability of the Authority PACE Program to finance the installation of the Improvements.
2. This City Council consents to inclusion in the Authority PACE Program of all of the properties in the jurisdictional boundaries of the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.
3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Authority PACE Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent such contractual assessments.
4. This City Council hereby approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership.
5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the Authority PACE Program within the City

Presented by

Approved as to form by

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Eric Crockett  
Director of Economic Development

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Glen R. Googins  
City Attorney