

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY (CMFA) PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM; APPROVING THE CMFA JOINT EXERCISE OF POWERS AGREEMENT AND THE CITY'S MEMBERSHIP IN THE CMFA; AND APPROVING PARTICIPATION AGREEMENTS WITH CMFA AND ITS ADMINISTRATORS: ENERGY EFFICIENT EQUITY, INC., BLUEFLAME PACE SERVICES, LLC., AND ONPACE ENERGY SOLUTIONS, LLC.

WHEREAS, the City of Chula Vista has been pursuing the establishment of Property Assessed Clean Energy (PACE) programs, which allow property-owners to finance energy and water saving improvements through a voluntary tax assessment on their property; and

WHEREAS, Chula Vista property owners can currently choose between four different PACE Program providers; and

WHEREAS, California Municipal Financing Authority (CMFA), a PACE provider, has requested that Chula Vista become a member of the CMFA and allow the CMFA PACE program to operate in Chula Vista; and

WHEREAS, participation in the CMFA program allows the City to expand PACE options for residents and businesses, encourages competition, and does not require significant staff time to administer the program; and

WHEREAS, CMFA is a joint exercise of powers authority, formed in accordance with the Joint Exercise of Powers Act (California Government Code Title 1, Division 7, Chapter 5) and, in order to allow the City's property owners to participate in the CMFA PACE program, the City must approve CMFA Joint Exercise of Powers Agreement and become a member of the CMFA; and

WHEREAS, the CMFA utilizes the following entities to assist in administering its PACE Program: Energy Efficient Equity, Inc., Blueflame Pace Services LLC, and OnPace Energy Solutions, LLC. (the "Administrators"); and

WHEREAS, the CMFA and its Administrators have executed agreements whereby they commit to, among other things, comply with the City's PACE Program Guidelines, defend and indemnify the City, and comply with the City's insurance requirements, with respect to participation in the CMFA PACE 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, administration repayment or guarantee of any bonds issued in connection with the Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it consents to the inclusion of properties within the City in the California Municipal Finance Authority Property Assessed Clean Energy (PACE) program.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it approves the City's membership in the California Municipal Finance Authority and, accordingly, approves the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, in substantially the form presented, and authorizes and directs the Mayor to execute that agreement.

BE IT FURTHER RESOLVED by the City Council of the City of Chula Vista, that it approves the Participation Agreements between the City, CMFA and each of the following Administrators: Energy Efficient Equity, Inc., Blueflame Pace Services LLC, and OnPace Energy Solutions, LLC, in substantially the form presented for each, and authorizes and directs the Mayor to execute each Participation Agreement.

Presented by

Approved as to form by

Eric Crockett
Director, Economic Development

Glen R. Googins
City Attorney

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