

RESOLUTION NO. 16-068

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO, CALIFORNIA, CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE COUNTY'S UNINCORPORATED AREA IN THE CALIFORNIA HOME FINANCE AUTHORITY PROGRAM TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND CONSENTING TO THE CALIFORNIA HOME FINANCE AUTHORITY'S LEVY OF VOLUNTARY CONTRACTUAL ASSESSMENTS TO SECURE REPAYMENT OF SUCH FINANCING

WHEREAS, the California Home Finance Authority ("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, the Authority is in the process of amending the Authority JPA to formally change its name to the Golden State Finance Authority; and

WHEREAS, the County of Fresno, under Board Resolution 09-407, adopted September 22, 2009, is an associate member of the Authority, which was formerly known as the California Rural Home Mortgage Finance Authority; and

WHEREAS, the 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 Part 3 of the Improvement 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 this program; and

WHEREAS, the County of Fresno (the "County") 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 of Part 3 of the Improvement Act of 1911, 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 County wishes to provide solutions to its property owners to achieve energy and water efficiency, and in doing so, cooperate with the Authority in order to assist property owners within the unincorporated area of the County in financing such Improvements; and

WHEREAS, the Authority has established the Authority PACE Program, which is a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into July 1, 1993, as amended to date. The County is an Associate Member of the JPA, and desires to participate in the programs of the JPA and to assist property owners within the unincorporated area of the County in financing the cost of installing Improvements; and

WHEREAS, the County will not be responsible for the conduct of any assessment proceedings or the issuance, sale or administration of any bonds issued in connection with the Authority PACE Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This Board of Supervisors finds and declares that properties in the County's unincorporated area will benefit from the availability of the Authority PACE Program to finance the installation of the Improvements.

2. This Board of Supervisors consents to inclusion in the Authority PACE Program of all of the properties in the unincorporated area within the County 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 this program and to the assumption of jurisdiction by the Authority for the purposes thereof, and only those purposes.

3. The consent of this Board of Supervisors constitutes assent to the assumption of jurisdiction by the Authority for all purposes of the Authority PACE Program, and only those purposes, and authorizes the Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements and the issuance and enforcement of bonds to represent such contractual assessments, provided, however, that the County shall collect the voluntary contractual assessments levied by the Authority, subject to the terms of a reimbursement agreement; provided further, that the County will not be responsible for the conduct of any proceedings, the levy of any assessments or any enforcement or remedial action in the case of delinquency or default in the payment of such assessments; nor will the County be responsible for the authorization, issuance, sale, repayment, or administration of any bonds issued by the Authority, nor will the County be responsible for any investigations, representations, or disclosures in connection with such bonds; and provided further that the issuance of bonds will only occur, if at all, following final judgment in a validation action filed by the Authority pursuant to Code of Civil Procedure section 860 establishing that such bonds are lawful obligations of the Authority and that the assessments levied by the Authority to secure the repayment of those bonds are lawful.

4. County staff is authorized and directed to coordinate with the Authority's staff to facilitate operation of the Authority PACE Program within the County, only to the extent of collecting such voluntary contractual assessments for any property participating in this program. The County will incur no other costs, and no other staff time as required for administration, marketing obligations, or financial obligations of the program.

5. This Resolution shall take effect immediately upon the execution by the County and the Authority of the reimbursement agreement required by section 3 of this

resolution. The Clerk of the Board of Supervisors is directed to send a certified copy of this resolution to the Secretary of the Authority upon the execution by the County and the Authority of that reimbursement agreement, and not before.

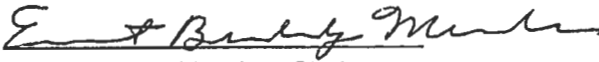
PASSED AND ADOPTED this 1st day of March, 2016 by the following
vote, to wit:

AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian

NOES: None

ABSENT: None

ABSTAIN: None



Ernest Buddy Mendes, Chairman

Board of Supervisors

ATTEST:



Bernice Seidel, Clerk to the Board

APPROVED AS TO ACCOUNTING FORM:

VICKI CROW, C.P.A.

AUDITOR-CONTROLLER/TREASURER-TAX COLLECTOR

By: 

APPROVED AS TO LEGAL FORM:

DANIEL C. CEDERBORG

COUNTY COUNSEL

By:  Deputy