

RESOLUTION NO. 17-346

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO
CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE UNINCORPORATED
TERRITORY OF THE COUNTY IN THE CSCDA OPEN PACE PROGRAMS; AUTHORIZING
THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT
APPLICATIONS FROM PROPERTY OWNERS, CONDUCT VOLUNTARY CONTRACTUAL
ASSESSMENT PROCEEDINGS AND LEVY VOLUNTARY CONTRACTUAL ASSESSMENTS
WITHIN THE UNINCORPORATED TERRITORY OF THE COUNTY; AND AUTHORIZING
RELATED ACTIONS**

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 County of Fresno (the “County”); and

WHEREAS, the Authority has implemented Property Assessed Clean Energy (“PACE”) programs, which it has designated CaliforniaFIRST; and

WHEREAS, the Authority is now implementing additional PACE programs, which it has designated CSCDA Open PACE, consisting of CSCDA Open PACE programs each administered by a separate program administrator (collectively with any successors, assigns, replacements or additions, the “Programs”), 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 Part 3 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 Programs and the issuance of bonds from time to time; and

WHEREAS, the program administrator for CaliforniaFIRST is Renewable Funding, LLC; and

WHEREAS, the program administrators currently active in administering Programs under CSCDA Open PACE are the AllianceNRG Program (CounterPointe Energy Solutions (CA) LLC), PACE Funding LLC, CleanFund Commercial PACE Capital and Spruce Finance and the Authority will notify the County in advance of any additions or changes; and

WHEREAS, the County, by Resolution No. 15-076, on March 24, 2015, authorized the Authority’s CaliforniaFIRST program within the unincorporated territory of the County; and

WHEREAS, the Authority desires to add the additional program administrators to implement CSCDA Open PACE; 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 County desires to allow the owners of property (“Participating Property Owners”) within its unincorporated territory to participate in the Programs and to allow the Authority to conduct assessment proceedings under Chapter 29 within the unincorporated territory of the county, and to acknowledge that the Authority may issue bonds to finance or refinance Improvements; and

WHEREAS, the territory within which assessments may be levied for the Programs shall include all of the unincorporated territory within the County’s official boundaries; and

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

WHEREAS, the County will not be responsible for the conduct of any assessment proceedings; for the levy of assessments or any required remedial action in the case of delinquencies in such assessment payments; or for the authorization, the issuance, sale, repayment, or administration of any bonds issued in connection with the Programs, nor will the County be responsible for any investigations, representations, or disclosures in connection with any such bonds; and

WHEREAS, the Authority represents that it will at all times comply with all applicable local, state, and federal laws and regulations;

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Fresno as follows:

Section 1. This Board of Supervisors hereby finds and declares that properties in the unincorporated territory of the County will benefit from the availability of the Programs within the unincorporated territory of the County and, pursuant thereto, authorizes the Authority to conduct special assessment proceedings pursuant to Chapter 29 to levy voluntary contractual assessments and acknowledges that the Authority may issue bonds to finance or refinance Improvements.

Section 2. In connection with the Programs, the County hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 to levy voluntary contractual assessments on any property within the unincorporated territory of the County, provided that the Authority proceeds in compliance with all applicable local, state, and federal laws and regulations, and acknowledges that the Authority may issue bonds to finance or refinance Improvements; provided, that

(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 County will not be responsible for the conduct of any assessment proceedings; the levy of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the authorization, issuance, sale, repayment, or administration of any bonds issued in connection with the Programs, nor will the County be responsible for any investigations, representations, or disclosures in connection with any such bonds.

(3) The issuance of bonds will occur, if at all, following receipt of a final judgment in a validation action filed by the Authority pursuant to Code of Civil Procedure Section 860 that such bonds are legal obligations of the Authority.

Section 3. The appropriate officials and staff of the County 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 Programs.

Section 4. 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).

Section 5. All consents, approvals, and actions provided in this resolution are contingent upon the execution of an amendment to the Agreement for the Collection of Special Assessments, dated March 24, 2015, between the Authority and the County, and identified as County Agreement No. 15-105, to provide that the Programs are covered by all requirements of that agreement, including but not limited to Section 10 of that agreement.

Section 6. 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.

THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 20th day of June, 2017, to wit:

AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero

NOES: None

ABSENT: None

ABSTAIN: None



Brian Pacheco, Chairman
Board of Supervisors

ATTEST:
BERNICE E. SEIDEL
Clerk, Board of Supervisors

By Susan Bishop
Deputy