RESOLUTION - ACTION REQUESTED 2017-86

MEETING: February 21, 2017
TO: The Board of Supervisors
FROM: Rosemarie Smallcombe, District I Supervisor
RE: Resolution Approving the County's Participation in the CSCDA Program

RECOMMENDATION AND JUSTIFICATION:
Adopt a Resolution consenting to the inclusion of properties within the County's jurisdiction into the California Statewide Communities Development Authority (CSCDA) Open PACE Programs; Authorizing the CSCDA to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessment within the territory of the County of Mariposa; and Authorizing related actions.

Please see the attached staff report prepared by the CSCDA Open PACE Program for additional information.

The Board has previously approved the County's participation in similar programs with the Golden State Finance Authority (GSFA) Joint Powers Agreement through Ygrene's Property Assessed Clean Energy (PACE) program, and the California Home Energy Renovation Opportunity (HERO) program. It is common practice in many jurisdictions to have several options available to property owners on these types of programs, as the conditions and terms of the specific programs are slightly different and one program may be a better fit dependent on the property owner's circumstances.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
On April 7, 2015, the Board adopted several resolutions consenting to the County’s participation in the Ygrene PACE program sponsored through the Golden State Finance Authority (GSFA), which was formerly known as California Home Finance District.

On May 24, 2016, the Board adopted a Resolution and the necessary JPA Amendment to implement the California Home Energy Renovation Opportunity (HERO) Program.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the Resolution and the CSCDA Open PACE program will be unavailable to Mariposa County property owners.
FINANCIAL IMPACT:
None

ATTACHMENTS:
CSCDA Staff Report (DOCX)
CSCDA OPEN PACE Program Opt-In Resolution (DOC)

CAO RECOMMENDATION

Dallin Kimble
Dallin Kimble, Interim CAO 2/15/2017

RESULT: ADOPTED [UNANIMOUS]
MOVER: Rosemarie Smallcombe, District I Supervisor
SECONDER: Merlin Jones, District II Supervisor
AYES: Menetrey, Smallcombe, Jones, Long, Cann
RESOLUTION NO. 17-86

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPosa, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF MARIPosa COUNTY IN THE CSCDA OPEN PACE PROGRAMS; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE COUNTY OF MARIPosa; 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 Mariposa (the “County”); and

WHEREAS, the Authority is implementing Property Assessed Clean Energy (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 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 administrators currently active in administering Programs are the AllianceNRG Program (CounterPointe Energy Solutions (CA) LLC), PACE Funding LLC, CaliforniaFirst (Renewable 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, 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 territory to participate in the Programs 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 Programs shall include all of the 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; 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 Programs;

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

Section 1. The Mariposa County Board of Supervisors hereby finds and declares that properties in the territory of the County will benefit from the availability of the Programs within the territory of the County 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.

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 on any property within the territory of the County and the issuance of 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; 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 Programs.

Section 3. The appropriate officials and staff of the County are hereby authorized and directed to make applications for the Programs 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. The following staff persons, together with any other staff persons chosen by the County Administrative Officer’s Office from time to time, are hereby designated as the contact persons for the Authority in connection with the Programs: Deputy County Administrative Officer.

Section 4. 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 5. 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 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.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 21st day of February, 2017, by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE

[Signature]
MARSHALL LONG, CHAIR
Mariposa County Board of Supervisors

ATTEST: APPROVED AS TO FORM:

[Signature]
René LaRoche, Clerk of the Board

[Signature]
Steven W. Dahlem, County Counsel