

MARIPOSA COUNTY

Administration • 209-966-3222



RESOLUTION - ACTION REQUESTED 2015-317

MEETING: July 7, 2015

TO: The Board of Supervisors

FROM: Mary Hodson, CAO

RE: Adopt a Resolution Authorizing Execution of an Agreement Regarding the PACE Program

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Authorizing Execution of an Agreement for Collection of Special Taxes and Contractual Assessments to Implement the Property Assessed Clean Energy (PACE) Financing Program in Mariposa County. The Board received a presentation on the PACE program on April 7, 2015, and at that time approved the County's participation in this program. This Resolution was presented on April 7, 2015, but the dollar amounts for Sections number 2 (Collection Fee) and number 8 (Charge for Correction of Error) were not completed. This dollar amount has now been identified and completed. The Auditor charges \$2.00 per parcel for placing special taxes on the property tax roll, and an additional \$2.00 per parcel for corrections on parcel number or assessment amount.

This is the final document that requires Board approval and then Golden State Financing can be implementing the program in Mariposa County.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On April 7, 2015, the Board adopted Resolution 15-164 approving a Resolution consenting to the Inclusion of Properties in the California Home Finance (CHF) District for Financing.

On April 7, 2015, the Board adopted Resolution 15-465 approving a Resolution consenting to the Inclusion of Properties in the CHF Property Assessed Clean Energy (PACE) program.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve the Resolution; local property owners will be unable to utilize the PACE program.

ATTACHMENTS:

Golden State Finance - Collection Resolution - PACE program (DOC)

CAO RECOMMENDATION

Requested Action Recommended

Mary Hodson

Mary Hodson, CAO

7/2/2015

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Kevin Cann, District IV Supervisor

SECONDER: Marshall Long, District III Supervisor

AYES: Smallcombe, Jones, Long, Cann, Carrier

RESOLUTION NO. 15-317

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIPOSA, CALIFORNIA, APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT FOR COLLECTION OF SPECIAL TAXES AND CONTRACTUAL ASSESSMENTS

WHEREAS, the California Home Finance Authority (“Authority”), which is in the process of formally changing its name to Golden State Finance 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 has established a property-assessed clean energy financing program (the “Authority PACE Program”) for residential, commercial, industrial and agricultural properties to address high up-front costs for property owners who wish to improve their properties through installation of measures that will generate renewable energy or reduce their energy and water use; and

WHEREAS, Section 29142 of the Government Code provides that when taxes or assessments are collected by a county for any special district, or zone, or improvement district thereof, excluding a school district, the Board of Supervisors may provide for a collection fee for such services; and

WHEREAS, Section 29304 of the Government Code provides that whenever any special assessment or special assessment taxes are levied upon land or real property by any city, county, district or other public corporation, and the same are to be collected by a county, there shall be added to the amount of the special assessment or special assessment tax an amount fixed by agreement between the county and city, district, public corporation, officer, or body for each special assessment or special assessment tax to be collected; and

WHEREAS, special assessments are not taxes under the State Constitution but are levies upon the real property (land or land and improvements) in a district for the purpose of paying for improvements or special services, the amount of the levy being based upon the benefits accruing to the property as a result of the improvements or services; and whether a particular charge is a tax or a special assessment is not governed by the designation thereof in the statute providing therefor but is governed by the nature of the imposition; and

WHEREAS, the Authority has requested, and it is in the public interest, that the County collect on the County tax rolls the special taxes, fees, and assessments for the Authority; and

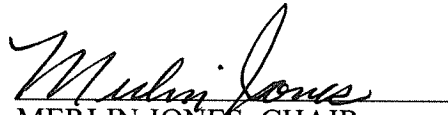
WHEREAS, the Authority and County desire to enter into an agreement whereby the special taxes and assessments for the Authority will be collected by the County at the same time and in the same manner as County taxes are collected and the Authority will pay to the County the fees for such collection.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Supervisors hereby approves the Agreement for Collection of Special Taxes and Contractual Assessments ("Agreement"), between the County and the Authority, in substantially the form attached hereto as Exhibit "A" and incorporated herein by reference.
2. The Board of Supervisors hereby authorizes and directs the County Administrative Officer, in cooperation with the Authority, to prepare and execute the Agreement, subject to any conforming or clarifying changes as may be approved by County Administrative Officer and the County Counsel.
3. The Board of Supervisors further authorizes and directs the County Administrative Officer, or designee, to take such actions as are necessary to perform the obligations of the County under the Agreement, including without limitation such actions as are necessary for the County to collect the special taxes and special assessments for the Authority at the same time and in the same manner as County taxes are collected.
4. This Resolution shall take effect immediately upon its adoption. The Clerk of the Board of Supervisors is directed to send a certified copy of this resolution to the Secretary of the Authority.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 7th day of July, 2015, by the following vote:

AYES: Smallcombe, Jones, Long, Cann, Carrier
NOES: None
ABSENT: None
ABSTAINED: None


MERLIN JONES, CHAIR
Mariposa County Board of Supervisors

ATTEST:


RENE LAROCHE, Clerk of the Board

APPROVED AS TO FORM:


STEVEN W. DAHLEM, County Counsel