

RESOLUTION NO. 27342

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA, STATE OF CALIFORNIA, CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY OF SANTA ROSA'S INCORPORATED AREA IN THE SONOMA COUNTY ENERGY INDEPENDENCE PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY EFFICIENCY IMPROVEMENTS

WHEREAS, the City of Santa Rosa is committed to development of renewable energy sources and energy efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change; and

WHEREAS, in Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (the "Act"), the Legislature has authorized cities and counties to assist property owners in financing the cost of installing distributed generation renewable energy sources or making energy efficient improvements that are permanently fixed to their property (the "Improvements") through a contractual assessment program; and

WHEREAS, installation of such Improvements by property owners in the County of Sonoma (the "County") would promote the purposes cited above and assist the City of Santa Rosa, in meeting its goal established by this Council on August 2, 2005 of reducing its greenhouse gas emissions by 20% from 2000 levels by 2010; and

WHEREAS, the City of Santa Rosa wishes to provide innovative solutions to its residents to achieve energy efficiency and independence, including cooperating with the County in order to efficiently and economically assist all County property owners in financing such Improvements; and

WHEREAS, the Board of Supervisors of the County (the "Board of Supervisors") has authority to establish a contractual assessment program, as permitted by the Act, to assist property owners in financing the cost of installing distributed generation renewable energy sources or making energy efficient improvements that are permanently affixed to real property; and

WHEREAS, the County has conducted an analysis to determine the feasibility of a contractual assessment program, and has named such program the Sonoma County Energy Independence Program ("SCEIP"), and has developed parameters for implementation and administration of the Program; and

WHEREAS, the City of Santa Rosa wishes to participate with the County in the SCEIP, under terms and conditions agreed to by Santa Rosa and the County, subject to City and cooperating agencies reaching an agreement on a process for future use and allocation of any carbon credits attributable to the SCEIP improvements within the following six months; and

WHEREAS, state law permits the County to offer participation in SCEIP to property owners in incorporated areas within the County so long as the governing body of such incorporated area approves the proposed Resolution of Intention to establish SCEIP, consents to

the inclusion in the SCEIP of properties in the incorporated area within the County and consents to the Improvements to be done within such incorporated area and the assumption of jurisdiction thereover by the County for the purposes aforesaid; and

WHEREAS, this Council has reviewed the County's Program Report, entitled "Sonoma County Energy Independence Program Report and Administrative Guidelines" attached hereto as Exhibit A; and has reviewed the "Cooperative Agreement to Implement Sonoma County Energy Independence Program" attached hereto as Exhibit B; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa makes the following findings and determinations

1. The Council of the City of Santa Rosa finds and declares that properties in the City of Santa Rosa's incorporated area will be benefited by the SCEIP proposed by the County.
2. This Council hereby approves the Sonoma County Energy Independence Program Report and Administrative Guidelines, addressing administrative issues such as program administration, financing and approved technologies for participating properties in its jurisdiction, substantially in the form attached hereto as Exhibit A, subject to City and cooperating agencies reaching an agreement on a process for future use and allocation of any carbon credits attributable to the SCEIP improvements within the following six months.
3. The Council of the City of Santa Rosa agrees with the terms proposed in the Cooperative Agreement to Implement Sonoma County Energy Independence Program, attached hereto as Exhibit B and hereby directs that said agreement be executed on behalf of the City of Santa Rosa and directs the Clerk to send a certified copy of this resolution to the Clerk of the Board of Supervisors.
4. This Council hereby finds and determines that in the event it is necessary for the Board of Supervisors to make minor, nonsubstantive changes to SCEIP, such minor, nonsubstantive changes do not require the approval of this Council.
5. This Council consents to inclusion in SCEIP of all of the properties in the incorporated area within the City of Santa Rosa, as may be amended through annexation from time to time, and to the Improvements proposed in SCEIP within the City of Santa Rosa limits, upon the request and agreement of the property owner, in compliance with applicable laws, rules and regulations; and to the assumption of jurisdiction thereover by the County for the purposes aforesaid subject to final agreement between the County and the City of Santa Rosa.
6. The consent of this Council constitutes assent to the assumption of jurisdiction by the County for all purposes of SCEIP and authorizes the County for a period of six (6) months subject, to City and cooperating agencies reaching an agreement on a process for future use and allocation of any carbon credits attributable to the SCEIP

improvements and upon satisfaction of any other conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent such contractual assessments.

7. Staff is authorized and directed to coordinate with County staff to facilitate operation of the SCEIP, and report back periodically to this Council on the success of SCEIP.
8. Staff is authorized and directed to work on an agreement within the following six months to reach an agreement with cooperating agencies on a satisfactory process for future use and allocation of any carbon credits attributable to the SCEIP improvements, which agreement shall be subject to approval by the City Manager who will report to Council the contents of such agreement.

IN COUNCIL DULY PASSED this 14th day of April, 2009.

AYES: (6) Mayor Gorin, Vice Mayor Vas Dupre, Councilmembers Bender, Jacobi, Olivares and Wysocky

NOES:

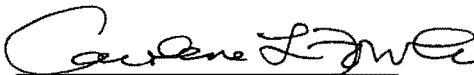
ABSENT: (1) Councilmember Sawyer

ABSTAIN:

ATTEST: 
City Clerk

APPROVED: 
Mayor

APPROVED AS TO FORM:


City Attorney