

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA, CALIFORNIA: (1) APPROVING THE INDEMNIFICATION AND INSURANCE AGREEMENT BY AND BETWEEN CITY OF SANTA ROSA AND FIGTREE COMPANY, INC. AND AUTHORIZING THE MAYOR TO SIGN; (2) APPROVING THE ASSOCIATE MEMBERSHIP AGREEMENT BY AND BETWEEN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY AND THE CITY OF SANTA ROSA, CALIFORNIA AND AUTHORIZING THE MAYOR TO SIGN; AND (3) CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE FIGTREE PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

WHEREAS, the California Enterprise Development Authority (CEDA) ("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 June 1, 2006, as amended from time to time (the "Authority JPA"); and

WHEREAS, Authority has established the Figtree Program, a Property Assessed Clean Energy (PACE) Program, ("Program") to provide for the financing of renewable energy distributed generation sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1915, 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 such program; and

WHEREAS, City of Santa Rosa (the "City") 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, 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 Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency and independence, and in doing so cooperate with Authority in order to efficiently and economically assist property owners in the City in financing such Improvements; and

WHEREAS, the Authority has established the Figtree Program or the Program pursuant to Chapter 29 and entered into a contract with Figtree Company, Inc. (“Program Administrator”) to administer the Program; and

WHEREAS, Program Administrator is willing to indemnify and defend City for all actions related to its administration of the Program within the city pursuant to the terms and conditions of the INDEMNIFICATION AND INSURANCE AGREEMENT BY AND BETWEEN CITY OF SANTA ROSA AND FIGTREE COMPANY, INC. in the form attached as Exhibit A hereto; and

WHEREAS, Authority, pursuant to the Act, originally made and entered into the Authority JPA on June 1, 2006 as amended to date, and has agreed to enter into the ASSOCIATE MEMBERSHIP AGREEMENT BY AND BETWEEN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY AND THE CITY OF SANTA ROSA, CALIFORNIA (the “Associate Membership Agreement”), by and between Authority and the City, a copy of which is attached as Exhibit B hereto, to allow property owners within the incorporated area of the City in financing the cost of installing Improvements by voluntarily participating in the Program; and

WHEREAS, there has been presented to this meeting a proposed form of Resolution of Intention to be adopted by CEDA in connection with the proposed assessment proceedings under the Program (the "ROI"), a copy of which is attached hereto as Exhibit C; and

WHEREAS, said ROI sets forth the territory within which assessments may be levied for Figtree Program which territory shall be coterminous with the City's official boundaries of record at the time of adoption of the ROI, and a property owner located within the City may enter into contractual assessments under the Program only after the City has adopted this resolution to authorize participation in the Program; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the Program.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby:

1. Approves the INDEMNIFICATION AND INSURANCE AGREEMENT BY AND BETWEEN CITY OF SANTA ROSA AND FIGTREE COMPANY, INC. and authorizes the Mayor to sign this agreement.

2. Approves the ASSOCIATE MEMBERSHIP AGREEMENT BY AND BETWEEN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY AND THE CITY OF SANTA ROSA, CALIFORNIA and authorizes the Mayor to sign this agreement.

3. Consents to inclusion in the Program of all of the properties in the incorporated area within the City, upon the request by and voluntary agreement of owners of such properties,

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in compliance with the laws, rules and regulations applicable to such Program; and to the assumption of jurisdiction there over by Authority for the purposes thereof.

BE IT FURTHER RESOLVED that, the consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution and by law, 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.

BE IT FURTHER RESOLVED that, City may terminate its participation in Program by providing notice in accordance with the Program requirements and may terminate its membership in Authority by resolution and notice to Authority in accordance with the terms and conditions of ASSOCIATE MEMBERSHIP AGREEMENT BY AND BETWEEN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY AND THE CITY OF SANTA ROSA, CALIFORNIA.

BE IT FURTHER RESOLVED that, City staff is hereby authorized and directed to coordinate with Authority staff to facilitate operation of the Program within the City.

IN COUNCIL DULY PASSED this \_\_\_\_ day of \_\_\_\_\_, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
City Clerk

APPROVED: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Exhibit A – Indemnification and Insurance Agreement by and between City of Santa Rosa and Figtree Company, Inc.

Exhibit B – Associate Membership Agreement by and between the California Enterprise Development Authority and the City of Santa Rosa, California

Exhibit C - CEDA Resolution of Intent