

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

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA, CALIFORNIA: (1) APPROVING THE INSURANCE AND INDEMNIFICATION AGREEMENT BY AND BETWEEN THE CITY OF SANTA ROSA AND RENEWABLE FUNDING, LLC AND AUTHORIZING THE MAYOR TO SIGN; AND (2) CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY’S JURISDICTION IN THE CALIFORNIAFIRST PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE

WHEREAS, the California Statewide Communities Development Authority (“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, 1988 as amended from time to time (the “Authority JPA”); and

WHEREAS, Authority has established the CaliforniaFIRST 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 CaliforniaFIRST Program and entered into a contract with Renewable Funding, LLC (“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 RENEWABLE FUNDING, LLC in the form attached as Exhibit A hereto; and

WHEREAS, Authority, pursuant to the Act, originally made and entered into the JPA Agreement on June 1, 1988, as amended to date, and the City became a member of Authority on September 12, 1995 as set forth in City Council Resolution No. 22406 under the Authority JPA, a copy of which is attached as Exhibit B hereto; 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 RENEWABLE FUNDING, LLC and authorizes the Mayor to sign this agreement.

2. 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, 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 the AMENDED AND RESTATED JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY.

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: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM:

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

Exhibit A - Indemnification and Insurance Agreement by and between City of Santa Rosa and Renewable Funding LLC

Exhibit B - Amended and Restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority