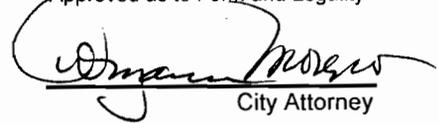


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OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to Form and Legality


City Attorney

2009 NOV 19 PM 5:09

RESOLUTION No. 82445 C.M.S.

RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO:

1. JOIN THE CALIFORNIAFIRST PROGRAM; AND
2. AUTHORIZE THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS WHO WISH TO PARTICIPATE IN PROPERTY ASSESSMENTS FOR THE PROGRAM; AND
3. AUTHORIZE THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS ON BEHALF OF THE CITY WITHIN THE TERRITORY OF THE CITY OF OAKLAND; AND
4. AUTHORIZE THE CITY ADMINISTRATOR TO PAY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FEES UP TO TWENTY THOUSAND DOLLARS (\$20,000.00) FOR OAKLAND'S PROGRAM SETUP FEES

WHEREAS, the California Statewide Communities Development Authority ("California Communities") is a joint exercise of powers authority the members of which include numerous cities and counties in the State of California, including the City of Oakland (the "City"); and

WHEREAS, California Communities has established the CaliforniaFIRST program (the "CaliforniaFIRST Program") to allow the financing of certain renewable energy, energy efficiency and water efficiency improvements (the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") and the issuance of improvement bonds (the "Bonds") under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) (the "1915 Act") upon the security of the unpaid contractual assessments; and

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

WHEREAS, the City desires to allow the owners of property within its jurisdiction ("Participating Property Owners") to participate in the CaliforniaFIRST Program and to allow California Communities to conduct assessment proceedings under Chapter 29 and to issue Bonds under the 1915 Act to finance the Improvements; and

WHEREAS, California Communities will conduct assessment proceedings under Chapter 29 and issue Bonds under the 1915 Act to finance Improvements; and

WHEREAS, a proposed form of a Resolution Declaring Intention To Finance Installation Of Distributed Generation Renewable Energy Sources, Energy Efficiency And Water Efficiency Improvements to be adopted by California Communities in connection with such assessment proceedings is attached and labeled “Exhibit 1,” and the territory within which assessments may be levied for the CaliforniaFIRST Program shall include all of the territory within the official boundaries of record for the city of Oakland (the “Proposed Boundaries”); and

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

WHEREAS, pursuant to Government Code Section 6586.5, a notice of public hearing has been published once at least five days prior to the date hereof in a newspaper of general circulation in the City and a public hearing has been duly conducted by this City Council concerning the significant public benefits of the CaliforniaFIRST Program and the financing of the Improvements; and

WHEREAS, the CaliforniaFIRST program represents Oakland’s best opportunity to make property-assisted clean energy financing available to Oakland property owners; now, therefore, be it

RESOLVED: That the City Council of the City of Oakland hereby finds and declares that the issuance of bonds by California Communities in connection with the CaliforniaFIRST Program will provide significant public benefits, including without limitation, savings in effective interest rate, bond preparation, bond underwriting and bond issuance costs and reductions in effective user charges levied by water and electricity providers within the boundaries of the city of Oakland; and be it

FURTHER RESOLVED: That in connection with the CaliforniaFIRST Program, the City Council hereby consents to the conduct of special assessment proceedings by California Communities pursuant to Chapter 29 on any property within the Proposed Boundaries and the issuance of Bonds under the 1915 Act; provided, that

- (1) Such proceedings are conducted pursuant to one or more resolutions substantially in the form of the sample resolution in Exhibit 1; and
- (2) 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 be it

FURTHER RESOLVED: That pursuant to the requirements of Chapter 29, California Communities has prepared and will update from time to time the “Program Report” attached and labeled “Exhibit 2,” for the CaliforniaFIRST Program (the “Program Report”), and California Communities will undertake assessment proceedings and the financing of Improvements as set forth in the Program Report, and be it

FURTHER RESOLVED: That the City Administrator, or his designee, is authorized to participate in the CaliforniaFIRST Program on behalf of the City and directed to make Program applications available to all property owners who wish to finance Improvements, provided that California Communities shall be responsible for providing such applications and related materials at its own expense; and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to execute and deliver such closing certificates, requisitions, agreements and related documents as are reasonably required by California Communities in accordance with the program Report to implement the CaliforniaFIRST Program for Participating property Owners and to evidence compliance with the requirements of federal and state law in connection with the issuance by California Communities of the Bonds and any other bonds for the CaliforniaFIRST Program; and be it

FURTHER RESOLVED: That to carry out the aforesaid authorization and direction and pursuant to Treasury Regulations Section 1.150-2, the City Administrator or other staff person acting in the same capacity for the City of Oakland with respect to the CaliforniaFIRST Program is hereby authorized and designated to declare the official intent of the City of Oakland with respect to the Improvements to be paid or reimbursed through participation in the CaliforniaFIRST Program; and be it

FURTHER RESOLVED: That The City Administrator is authorized to pay the California Statewide Communities Development Authority fees up to twenty thousand dollars (\$20,000), from City Facilities Energy Conservation Fund (4450), Energy Group Organization (30689), Solar Solicitation Project (C256517), for the costs of implementing the CaliforniaFIRST Program in the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 8 2009, 20

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER -8

NOES -

ABSENT -

ABSTENTION -

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California