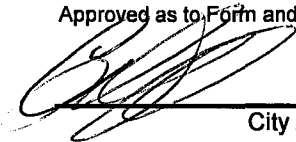


OAKLAND CITY COUNCIL



City Attorney
2018 APR 12 PM 3:48 RESOLUTION No. 87185 C.M.S.

RESOLUTION AUTHORIZING: 1) THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY (CMFA) OPEN PACE PROGRAM TO OPERATE IN OAKLAND; 2) PACE PROVIDERS WITHIN THE CMFA PACE PROGRAM TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE CITY, AND PERFORM RELATED ACTIONS; AND 3) THE CITY ADMINISTRATOR OR DESIGNEE THEREOF, TO EXECUTE ALL DOCUMENTS AND TAKE ANY ACTIONS NECESSARY AND APPROPRIATE TO CARRY OUT THE INTENT OF THIS RESOLUTION.

WHEREAS, the California Municipal Finance Authority (the “Authority”) 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, the Authority is implementing a Property Assessed Clean Energy (PACE) program, which it has designated as CMFA Open PACE, consisting of CMFA Open PACE programs each administered by a separate program administrator (collectively with any successors, assigns, replacements or additions, the “Providers”), to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency and seismic strengthening improvements, electric vehicle charging infrastructure and such other improvements, infrastructure or other work as may be authorized by law from time to time (collectively, the “Improvements”) through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code (“Chapter 29”) within counties and cities throughout the State of California that consent to the inclusion of properties within their respective territories in the Providers and the issuance of bonds from time to time; and

WHEREAS, the Providers currently active in CMFA Open PACE are: Energy Efficient Equity, Inc.; BlueFlame PACE Services, LLC; OnPACE Energy Solutions, LLC; Petros PACE Administrator, LLC; Structured Finance Associates, LLC; and Twain Financial Partners II, LLC; and the Authority will notify the City in advance of any additions or changes to the list of Providers; and

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner or owners 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 (“Participating Property Owners”) within its incorporated area to participate in the Providers’ services and to allow the Authority to conduct assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or refinance Improvements; and

WHEREAS, the territory within which assessments may be levied for the Providers shall include all of the incorporated area within the City’s official boundaries; and

WHEREAS, the Authority will conduct all assessment proceedings under Chapter 29 for the Providers and issue any bonds issued in connection with the Providers; and

WHEREAS, properties in the incorporated area of the City will benefit from the availability of the Providers' services within the territory of the City and, pursuant thereto, the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance Improvements; therefore, be it

RESOLVED, this City Council hereby find and declares that the foregoing recitals are true and correct; and be it

FURTHER RESOLVED, in connection with the Providers, the City hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on any property within the incorporated area of the City and the issuance of bonds to finance or refinance Improvements; provided, that 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 that the City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale, administration, repayment or guarantee of any bonds issued in connection with the Providers; and be it

FURTHER RESOLVED, the City Administrator or her designee is hereby authorized to make applications for the Providers available to all property owners who wish to finance or refinance Improvements; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense; and be it

FURTHER RESOLVED, the appropriate officials and staff of the City are hereby authorized to execute and deliver such certificates, requisitions, agreements and related documents as are reasonably required by the Authority to implement the Providers' services; and be it

FURTHER RESOLVED, this Resolution does not constitute a project under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4); and be it

FURTHER RESOLVED, The City may withdraw from the Providers or any Provider upon six (6) months written notice to the Authority. The City may withdraw its consent and approval for the conduct of special assessment proceedings by any specific program administrator under a Provider within the jurisdictional limits of the City upon thirty (30) days written notice to the Authority without (a) liability to the Authority or any affiliated entity, and (b) withdrawing its consent and approval for the conduct of special assessment proceedings by any other program administrators under the other Providers. The City's withdrawal from any Provider shall not affect the validity of any voluntary assessment contract entered into prior to the date of such withdrawal or entered into after the date of such withdrawal so long as the application for such voluntary assessment contract was submitted to and approved by the Authority prior to the date of the City's notice of withdrawal.

FURTHER RESOLVED, This Resolution shall take effect immediately upon its adoption, and the City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Financial Advisor of the Authority at: California Municipal Finance Authority, 2111 Palomar Airport Road, Suite 320, Carlsbad, California, 92011, Attn: Travis Cooper.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 15 2018

PASSED BY THE FOLLOWING VOTE:


AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, ~~AND~~ -7
~~PRESIDENT READ~~

NOES - 0

ABSENT - 0

ABSTENTION - 0

1 Excused - Read

ATTEST: 

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