

**THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA**  
**and for Special Districts, Agencies and Authorities Governed by the Board**

Adopted this Resolution on 03/12/2019 by the following vote:

**AYE:**

**NO:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**



**Resolution No. 2019/69**

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE UNINCORPORATED AREA OF THE COUNTY IN THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY OPEN PACE PROGRAM KNOWN AS THE ENERGY EFFICIENT EQUITY PROGRAM; AUTHORIZING THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE COUNTY; AND AUTHORIZING RELATED ACTIONS

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 County of Contra Costa (the "County"); and

WHEREAS, the Authority is implementing Property Assessed Clean Energy (PACE) programs, which it has designated 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 "Programs"), 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 Programs and the issuance of bonds from time to time; and

WHEREAS, the program administrators currently active in administering Programs are Energy Efficient Equity, Inc.; BlueFlame PACE Services LLC; OnPACE Energy Solutions, LLC; PACE Equity, LLC; Samas Capital LLC; Structured Finance Associates, LLC; and Twain Community Partners II LLC; and the Authority will notify the County in advance of any additions or changes; 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 County desires to allow the owners of property ("Participating Property Owners") within its jurisdiction to participate in the Energy Efficient Equity Program administered by Energy Efficient Equity, Inc. 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 Energy Efficient Equity Program shall include all of the unincorporated area within the County's official boundaries; and

WHEREAS, the Authority will conduct all assessment proceedings under Chapter 29 for the Programs and issue any bonds issued in connection with the Energy Efficient Equity Program; and

WHEREAS, the County 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 Programs;

Now, Therefore Be it Resolved by the Board of Supervisors of the County of Contra Costa as follows:

Section 1. This Board of Supervisors hereby finds and declares that the foregoing recitals are true and correct.

Section 2. This Board of Supervisors hereby finds and declares that properties in the jurisdiction of the County will benefit from the availability of the Energy Efficient Equity Program within the jurisdiction of the County 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. This resolution shall only authorize the PACE Program administered by Energy Efficient Equity, Inc., known as the Energy Efficient Equity or E3 program, to be available within the unincorporated area of Contra Costa County. Other program administrators under the CMFA Open Pace program may be made available by adoption of a separate authorizing resolution.

Section 3. In connection with the Energy Efficient Equity Program the County hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on any property within the territory of the County and the issuance of bonds to finance or refinance Improvements; provided, that

- (1) 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
- (2) The County 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 Energy Efficient Equity Program.

Section 4. The following staff persons, together with any other staff persons chosen by the Board of Supervisors of the County from time to time, are hereby designated as the contact persons for the Authority in connection with the Energy Efficient Equity Program; Jason Crapo, Deputy Director, Department of Conservation and Development.

Section 5. County staff is authorized to assist Authority staff to facilitate operation of the Energy Efficient Equity Program within the County, including assisting in the levying, collecting, and enforcement of the special tax lien.

Section 6. The Board of Supervisors hereby finds that adoption of this Resolution is not 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)).

Section 7. This Resolution shall take effect immediately upon its adoption.

The Clerk of the Board of Supervisors 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, 211 Palomar Airport Road, Suite 320, Carlsbad, California, 92011, Attn: Travis Cooper.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

**ATTESTED: March 12, 2019**

David J. Twa, County Administrator and Clerk of the Board of Supervisors

**Contact: Jason Crapo, 925-674-7722**

By: , Deputy

**cc:**