

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

Adopted this Resolution on 12/15/2020 by the following vote:

**AYE:**

**NO:**

**ABSENT:**

**ABSTAIN:**

**RECUSE:**



**Resolution No. 2020/336**

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 CSCDA OPEN PACE PROGRAM KNOWN AS THE FORTIFI FINANCIAL PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE UNINCORPORATED AREA OF THE COUNTY; AND AUTHORIZING RELATED ACTIONS.

WHEREAS, the California Statewide Communities Development Authority (CSCDA) is implementing Property Assessed Clean Energy (PACE) programs, which it has designated CSCDA 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 AllianceNRG Program (CounterPointe Energy Solutions (CA) LLC), PACE Funding Group LLC, CaliforniaFirst (Renew Financial Group LLC), CleanFund Commercial PACE Capital, Petros PACE Finance, Fortifi Financial, Greenworks Lending, White Oak Advisors, Stonehill PACE, LordCap PACE, and Green PACE Capital, 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 Open PACE program administered by FortiFi Financial, 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 Programs 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 in connection with the Programs; and

WHEREAS, the County will not be responsible for the conduct of any assessment proceedings; the levy of assessments; and required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administrations of any bonds issued in connection with the Programs:

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County as follows:

Section 1. This Board of Supervisor hereby finds and declares that properties in the jurisdiction of the County will benefit from the availability of the FortiFi PACE 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 FortiFi Financial, Inc., known as the FortiFi PACE program, to be available within the unincorporated area of Contra Costa County. Other

program administrators under the Open PACE program may be available by the County by adoption of a separate authorizing resolution.

Section 2. In connection with the FortiFi PACE program, the County hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on any property within the jurisdiction 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 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 or administration of any bonds issued in connection with the Programs.

Section 3. The following staff persons, together with any other staff persons chosen by the Conservation and Development Director of the County from time to time, are hereby designated as the contact persons for the Authority in connection with the Program: Demian Hardman, Senior Planner.

Section 4. County staff are authorized to assist Authority staff to facilitate operation of the Programs within the County, including assisting in the levying, collecting, and enforcement of the special tax lien.

Section 5. The Board of Supervisors hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution is a government fiscal activity that 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 6. 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 Secretary of the Authority at: Secretary of the Board, California Statewide Communities Development Authority, 1400 K Street, Sacramento, CA 95814.

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: December 15, 2020**

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

**Contact: Demian Hardman, (925) 674-7826**

By: , Deputy

**cc:**