

RESOLUTION NUMBER R- 308871

DATE OF FINAL PASSAGE APR 10 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO

WHEREAS, the Western Riverside Council of Governments (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 April 1, 1991, as amended from time to time (the Authority JPA); and

WHEREAS, Authority has established the California HERO 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 1911, 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, the City of San Diego (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 California HERO 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 the Authority in order to efficiently and economically assist property owners in the City in financing such Improvements; and

WHEREAS, the City deems it prudent to limit the availability of PACE programs in the City to applicants meeting the following criteria:

1. Applicant must be the property owner of record. If the legal property owner is a corporation, trust or similar legal entity, the applicant must be authorized to act on behalf of such entity;
2. Applicant must be current on all property taxes for the subject property and have no more than one late payment penalty assessed during the prior 36 months, or since the purchase of the property, whichever is longer;
3. Applicant must be current on all debt secured by the subject property for the prior 24 months;

4. Applicant must not have declared bankruptcy within the past seven years and the subject property must not be an asset in any bankruptcy proceeding;
5. Total indebtedness secured by the property, including all mortgages, tax liens and assessment liens, when combined with the PACE lien, must not exceed 95% of the property value prior to installation of the Improvements; and
6. Property must not have any involuntary liens, including construction liens.

WHEREAS, Authority has established the California HERO Program, which is such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into April 1, 1991, as amended to date, and the Amendment to Joint Powers Agreement Adding the City of San Diego as an Associate Member of the Western Riverside Council of Governments to Permit the Provision of Property Assessed Clean Energy (PACE) Program Services within the City (the JPA Amendment), by and between Authority and the City, a copy of which is on file with the City Clerk as Document No. RR-308871, to assist property owners within the jurisdiction of the City in financing the cost of installing Improvements; 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 California HERO Program; NOW, THEREFORE,

BE IT RESOLVED, the Council of the City of San Diego finds and declares that properties within the City's incorporated area will be benefited by the availability of the California HERO Program to finance the installation of the Improvements.

BE IT FURTHER RESOLVED, the California HERO Program will only be available to applicants meeting the criteria included in the recitals hereto.

BE IT FURTHER RESOLVED, the requirements of the City's Special District Formation and Financing Policy are hereby waived.

BE IT FURTHER RESOLVED, the City Council consents to inclusion in the California HERO Program of all of the properties in the jurisdictional boundaries of the City and to the Improvements, 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 thereover by Authority for the purposes thereof.

BE IT FURTHER RESOLVED, the consent of the City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the California HERO Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, 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 and the issuance and enforcement of bonds to represent such contractual assessments.

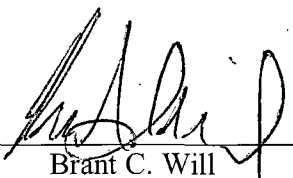
BE IT FURTHER RESOLVED, the City Council hereby approves the JPA Amendment and authorizes and directs any of the Mayor, the Chief Operating Officer, the Chief Financial

Officer, or any of such officials' designees to execute the JPA Amendment on behalf of the City, and with any revisions or amendments as deemed necessary or appropriate by the City Attorney.

BE IT FURTHER RESOLVED, City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the California HERO Program within the City, and report back periodically to the City Council on the success of such program.

BE IT FURTHER RESOLVED, this Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority Executive Committee.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Brant C. Will
Deputy City Attorney

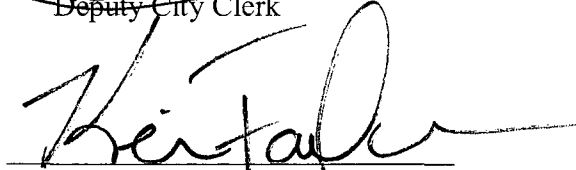
BCW:jdf
03/24/14
Or.Dept: Environmental Services
Doc. No.: 752957_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~APR 08 2014~~

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/10/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on APR 08 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 10 2014

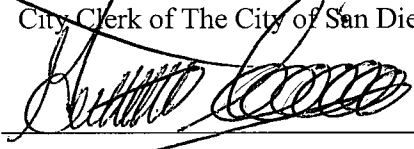
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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