

RESOLUTION NO. 6-10

RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE CITY OF RICHMOND TO JOIN THE CALIFORNIA FIRST PROGRAM; THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF RICHMOND; AND RELATED ACTIONS

WHEREAS, the California Statewide Communities Development Authority (“California Communities”) is a Joint Powers Authority (“JPA”), the members of which include numerous cities and counties in the State of California, including the City of Richmond; and

WHEREAS, California Communities has established the CaliforniaFIRST program (the “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 of Richmond desires to allow the owners of property within its jurisdiction (“Participating Property Owners”) to participate in the 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;

WHEREAS, there has been presented to this meeting a proposed form of Resolution of Intention to be adopted by California Communities in connection with such assessment proceedings (the “ROI”), a copy of which is attached hereto as Exhibit A, and the territory within which assessments may be levied for the Program shall include all of the territory within the City’s official boundaries of record (the “Proposed Boundaries”); and

WHEREAS, the City of Richmond 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 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 of Richmond and a public hearing has been duly conducted by this City Council concerning the significant public benefits of the Program and the financing of the Improvements;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richmond as follows:

Section 1. On the date hereof, the City Council held a public hearing and the City Council hereby finds and declares that the issuance of bonds by California Communities in connection with the 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 Richmond.

Section 2. In connection with the Program, the City of Richmond 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 of Intention in substantially the form of the ROI; 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.

Section 3. Pursuant to the requirements of Chapter 29, California Communities has prepared and will update from time to time the “Program Report” for the Program (the “Program Report”), and California Communities will undertake assessment proceedings and the financing of Improvements as set forth in the Program Report.

Section 4. The appropriate officials and staff of the City of Richmond are hereby authorized and directed to make applications for the program 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. The following staff persons, together with any other staff persons chosen by the City Manager from time to time, are hereby designated as the contact persons for California Communities in connection with the Program: Jenny Oorbeck and Adam Lenz.

Section 5. The appropriate officials and staff of the City of Richmond are hereby 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 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 Program. To that end, and pursuant to Treasury Regulations Section 1.150-2, the staff persons listed in Section 3 above, or other staff person acting in the same capacity for the City of Richmond with respect to the Program, are hereby authorized and designated to declare the official intent of the City of Richmond with respect to the Improvements to be paid or reimbursed through participation in the Program.

Section 6. The appropriate officials and staff of the City of Richmond are hereby authorized and directed to pay California Communities a fee in an amount not to exceed \$15,000, which California Communities will use to pay for the costs of implementing the Program in the City of Richmond, including the payment of legal costs incurred in connection with judicial validation of the Program.

Section 7. This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of California Communities.

I certify that the foregoing resolution was passed and adopted by the members of the Richmond City Council at a regular meeting held on Tuesday, January 19, 2010, by the following vote:

AYES: Councilmembers Bates, Butt, Ritterman, Rogers, Viramontes, and Mayor McLaughlin
NOES: None
ABSTENTIONS: None
ABSENT: Vice Mayor Lopez

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 6-10**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on January 19, 2010.