

RESOLUTION NO. RES-19-0081

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3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH AUTHORIZING THE CITY TO  
5 JOIN THE ENERGY EFFICIENCY EQUITY (E3)  
6 PROGRAM; AUTHORIZING THE CALIFORNIA MUNICIPAL  
7 FINANCE AUTHORITY TO ACCEPT APPLICATIONS  
8 FROM RESIDENTIAL PROPERTY OWNERS, CONDUCT  
9 CONTRACTUAL ASSESSMENT PROCEEDINGS AND  
10 LEVY CONTRACTUAL ASSESSMENTS WITHIN THE  
11 JURISDICTION OF THE CITY OF LONG BEACH; AND,  
12 AUTHORIZING RELATED ACTIONS  
13

14 WHEREAS, the California Municipal Finance Authority (the "Authority") is a  
15 joint exercise of powers authority, the members of which include numerous cities and  
16 counties in the State of California, including the City of Long Beach (the "City"); and

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

1 WHEREAS, the program administrator currently active in administering the  
2 Residential PACE Program is Energy Efficient Equity, Inc.;

3 WHEREAS, Chapter 29 provides that assessments may be levied under its  
4 provisions only with the free and willing consent of the owner or owners of each lot or  
5 parcel on which an assessment is levied at the time the assessment is levied; and

6 WHEREAS, the City desires to allow the owners of property ("Participating  
7 Property Owners") within its territory to participate in the Programs and to allow the  
8 Authority to conduct assessment proceedings under Chapter 29 within its territory and to  
9 issue bonds to finance or refinance Improvements; and

10 WHEREAS, the territory within which assessments may be levied for the  
11 Programs shall include all of the territory within the City's official boundaries; and

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

15 WHEREAS, the City will not be responsible for the conduct of any  
16 assessment proceedings; the levy of assessments; any required remedial action in the  
17 case of delinquencies in such assessment payments; or the issuance, sale,  
18 administration repayment or guarantee of any bonds issued in connection with the  
19 Programs;

20 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
21 follows:

22 Section 1. This City Council hereby finds and declares that properties in  
23 the territory of the City will benefit from the availability of the Programs within the territory  
24 of the City and, pursuant thereto, the conduct of special assessment proceedings by the  
25 Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance  
26 Improvements.

27 Section 2. In connection with the Programs, the City hereby consents to  
28 the conduct of special assessment proceedings by the Authority pursuant to Chapter 29

1 on any property within the territory of the City and the issuance of bonds to finance or  
2 refinance Improvements; provided, that

3           A.     The Participating Property Owners, who shall be the legal owners of  
4           such property, execute a contract pursuant to Chapter 29 and comply with other  
5           applicable provisions of California law in order to accomplish the valid levy of  
6           assessments; and

7           B.     The City will not be responsible for the conduct of any assessment  
8           proceedings; the levy of assessments; any required remedial action in the case of  
9           delinquencies in such assessment payments; or the issuance, sale, administration,  
10          repayment or guarantee of any bonds issued in connection with the Programs.

11          Section 3.   The appropriate officials and staff of the City are hereby  
12          authorized and directed to make applications for the Programs available to all property  
13          owners who wish to finance or refinance Improvements; provided, that the Authority shall  
14          be responsible for providing such applications and related materials at its own expense.  
15          The following staff persons, together with any other staff persons chosen by the Mayor or  
16          City Manager of the City from time to time, are hereby designated as the contact persons  
17          for the Authority in connection with the Programs: Larry Rich, Sustainability Coordinator,  
18          562-570-5839, [larry.rich@longbeach.gov](mailto:larry.rich@longbeach.gov).

19          Section 4.   The appropriate officials and staff of the City are hereby  
20          authorized and directed to execute and deliver such certificates, requisitions, agreements  
21          and related documents as are reasonably required by the Authority to implement the  
22          Programs.

23          Section 5.   The City Council hereby finds that adoption of this Resolution  
24          is not a "project" under the California Environmental Quality Act, because the Resolution  
25          does not involve any commitment to a specific project which may result in a potentially  
26          significant physical impact on the environment, as contemplated by Title 14, California  
27          Code of Regulations, Section 15378(b)(4)).

28          ///

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

13           Section 7.    The City Clerk is hereby authorized and directed to transmit a  
14 certified copy of this resolution to the Financial Advisor of the Authority at: California  
15 Municipal Finance Authority, 2111 Palomar Airport Road, Suite 320, Carlsbad, California  
16 92011, Attn: Travis Cooper.

17           Section 8.    This resolution shall take effect immediately upon its adoption  
18 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of May 21, 2019 by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Supernaw, Mungo, Andrews, Uranga, Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: Price, Austin.

*M. De J. Gago*  
City Clerk

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664