

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

RESOLUTION NO. RES-15-0042

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY TO JOIN THE CALIFORNIAFIRST PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE JURISDICTION OF THE CITY; AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Statewide Communities Development Authority ("California Communities") is a joint exercise of powers authority the members of which include numerous cities and counties in the State of California, including the City of Long Beach (the "City"); and

WHEREAS, California Communities has established the CaliforniaFIRST program (the "CaliforniaFIRST Program") and will provide financing for certain improvements authorized by Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29"), including, but not limited to, renewable energy, energy efficiency and water efficiency improvements and seismic strengthening 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

1 provisions only with the free and willing consent of the owner of each lot or parcel on
2 which an assessment is levied at the time the assessment is levied; and

3 WHEREAS, the City desires to allow the owners of certain types of
4 participating property ("Participating Property Owners") within the jurisdiction of the City
5 to participate in the CaliforniaFIRST Program and to allow California Communities to
6 conduct assessment proceedings under Chapter 29 within the jurisdiction of the City and
7 to issue Bonds under the 1915 Act to finance the Improvements; and

8 WHEREAS, California Communities will conduct assessment proceedings
9 under Chapter 29 and issue Bonds under the 1915 Act to finance Improvements;

10 WHEREAS, the City will not be responsible for the conduct of any
11 assessment proceedings; the levy or collection of assessments or any required remedial
12 action in the case of delinquencies in such assessment payments; or the issuance, sale
13 or administration of the Bonds or any other bonds issued in connection with the
14 CaliforniaFIRST Program;

15 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
16 follows:

17 Section 1. This City Council hereby finds and declares that large
18 multifamily and non-residential properties ("Participating Parcel") in the City will benefit
19 from the availability of the CaliforniaFIRST Program within the jurisdiction of the City and,
20 pursuant thereto, the conduct of special assessment proceedings by California
21 Communities pursuant to Chapter 29 and the issuance of Bonds under the 1915 Act.
22 Participating Parcel consists of commercial, industrial, agricultural, and large multifamily
23 properties containing five (5) or more units.

24 Section 2. In connection with the CaliforniaFIRST Program, the City
25 hereby consents to the conduct of special assessment proceedings by California
26 Communities pursuant to Chapter 29 on any Participating Parcel within its jurisdiction and
27 the issuance of Bonds under the 1915 Act; provided, that

28 A. The Participating Property Owners, who shall be the legal

1 owners of such property, execute a contract pursuant to Chapter 29 and
2 comply with other applicable provisions of California law in order to
3 accomplish the valid levy of assessments; and

4 B. The City will not be responsible for the conduct of any
5 assessment proceedings; the levy or collection of assessments or any
6 required remedial action in the case of delinquencies in such assessment
7 payments; or the issuance, sale or administration of the Bonds or any other
8 bonds issued in connection with the CaliforniaFIRST Program.

9 C. The issuance of Bonds will occur following receipt of a final
10 judgment in a validation action filed by California Communities pursuant to
11 Code of Civil Procedure Section 860 that the Bonds are legal obligations of
12 California Communities.

13 Section 3. Pursuant to the requirements of Chapter 29, California
14 Communities has prepared and will update from time to time the "Program Report" for the
15 CaliforniaFIRST Program (the "Program Report"), and California Communities will
16 undertake assessment proceedings and the financing of Improvements as set forth in the
17 Program Report.

18 Section 4. The appropriate officials and staff of the City are hereby
19 authorized and directed to make applications for the CaliforniaFIRST program available
20 to all property owners who wish to finance Improvements; provided, that California
21 Communities shall be responsible for providing such applications and related materials at
22 its own expense. The following staff persons, together with any other staff persons
23 chosen by the City Manager from time to time, are hereby designated as the contact
24 persons for California Communities in connection with the CaliforniaFIRST Program:
25 Larry Rich, Sustainability Coordinator, (562) 570-5839, Larry.Rich@longeach.gov.

26 Section 5. The appropriate officials and staff of the City are hereby
27 authorized and directed to execute and deliver such closing certificates, requisitions,
28 agreements and related documents as are reasonably required by California

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

1 Communities in accordance with the Program Report to implement the CaliforniaFIRST
2 Program for Participating Property Owners.

3 Section 6. The City Council hereby finds that adoption of this resolution
4 is not a "project" under the California Environmental Quality Act, because the resolution
5 does not involve any commitment to a specific project which may result in a potentially
6 significant physical impact on the environment, as contemplated by Title 14, California
7 Code of Regulations, Section 15378(b)(4)).

8 Section 7. The City Clerk is hereby authorized and directed to transmit a
9 certified copy of this resolution to the Secretary of California Communities.

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

12 I hereby certify that the foregoing resolution was adopted by the City
13 Council of the City of Long Beach at its meeting of April 7, 2015 by the
14 following vote:

15 Ayes: Councilmembers: Gonzalez, Price, Mungo, Andrews,
16 Uranga, Austin, Richardson.

17 _____
18 _____
19 Noes: Councilmembers: None.

20 _____
21 Absent: Councilmembers: Lowenthal.

22 _____

23 Poonam Davis for Larry H. Cabrera
24 City Clerk

25
26
27
28