

OFFICE OF THE CITY ATTORNEY  
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RESOLUTION NO. RES-18-0144

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE CITY TO JOIN THE COUNTERPOINTE SRE PROGRAM, THE CLEANFUND COMMERCIAL PACE CAPITAL PROGRAM, AND THE PETROS PACE FINANCE 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 OF LONG BEACH; 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 Counterpointe SRE Program, the CleanFund Commercial PACE Capital Program, and the Petros PACE Finance Program (collectively, the "Programs"), 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

1 Highways Code Sections 8500 and following) (the "1915 Act") upon the security of the  
2 unpaid contractual assessments; and

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

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

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

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

18 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
19 follows:

20 Section 1. This City Council hereby finds and declares that commercial  
21 properties ("Participating Parcel") in the City will benefit from the availability of the  
22 CounterpointeSRE Program, the CleanFund Commercial PACE Capital Program, and the  
23 Petros PACE Finance Program (collectively, the "Programs") within the jurisdiction of the  
24 City and, pursuant thereto, the conduct of special assessment proceedings by California  
25 Communities pursuant to Chapter 29 and the issuance of Bonds under the 1915 Act.

26 Section 2. In connection with the Programs, the City hereby consents to  
27 the conduct of special assessment proceedings by California Communities pursuant to  
28 Chapter 29 on any Participating Parcel within its jurisdiction and the issuance of Bonds

1 under the 1915 Act; provided, that:

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

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

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

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

19           Section 4.     The appropriate officials and staff of the City are hereby  
20 authorized and directed to make applications for the Programs available to all property  
21 owners who wish to finance Improvements; provided, that California Communities shall  
22 be responsible for providing such applications and related materials at its own expense.  
23 The following staff persons, together with any other staff persons chosen by the City  
24 Manager from time to time, are hereby designated as the contact persons for California  
25 Communities in connection with the Programs: Larry Rich, Sustainability Coordinator,  
26 (562) 570-5839, Larry.Rich@longbeach.gov.

27           Section 5.     The appropriate officials and staff of the City are hereby  
28 authorized and directed to execute and deliver such closing certificates, requisitions,

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1 agreements and related documents as are reasonably required by California  
2 Communities in accordance with the Program Report to implement the Programs for  
3 Participating Property Owners.

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

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

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

13 I hereby certify that the foregoing resolution was adopted by the City  
14 Council of the City of Long Beach at its meeting of September 18, 2018  
15 by the following vote:

16 Ayes: Councilmembers: Gonzalez, Pearce, Supernaw,  
17 Mungo, Uranga, Austin,  
18 Richardson.

19  
20 Noes: Councilmembers: None.

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22 Absent: Councilmembers: Price, Andrews.

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26 City Clerk