

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY’S JURISDICTION IN THE CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT NO. 2014-1 (CLEAN ENERGY) TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

WHEREAS, the California Home Finance Authority (“CHFA”), a California joint powers authority, (the “Authority”) has established the Community Facilities District (“CFD”) No. 2014-1 (“Clean Energy Program”) in accordance with the Mello-Roos Community Facilities Act, set forth in sections 53311 through 53368.3 of the California Government Code (the “Act”) and particularly in accordance with sections 53313.5(l) and 53328.1(a) (the “District”); and

WHEREAS, the purpose of the District is to finance or refinance (including the payment of interest) the acquisition, installation, and improvement of energy efficiency, water conservation, renewable energy and electric vehicle charging infrastructure improvements permanently affixed to private or publicly-owned real property (the “Authorized Improvements”); and

WHEREAS, the Authority is in the process of amending the Authority Joint Powers Agreement (the “Authority JPA”) to formally change its name to the Golden State Finance Authority; and

WHEREAS, the City of Sunnyvale (“City”) is committed to development of renewable energy generation and energy efficiency improvements, reduction of greenhouse gases, and protection of the environment; and

WHEREAS, in the Act, the Legislature has authorized a parcel within the territory of the District to annex to the District and be subject to the special tax levy of the District only (i) if the city or county within which the parcel is located has consented, by the adoption of a resolution by the applicable city council or county board of supervisors, to the inclusion of parcels within its boundaries in the District and (ii) with the unanimous written approval of the owner or owners of the parcel when it is annexed (the “Unanimous Approval Agreement”), which, as provided in section 53329.6 of the Act, shall constitute the election required by the California Constitution; and

WHEREAS, the Authority has contracted with Ygrene California Energy Fund LLC (“Ygrene”) to serve as the program administrator to operate the Clean Energy Program (“CHFA CFD No. 2014-1”) on behalf of the Authority; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy efficiency and water conservation and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Authorized Improvements; and

WHEREAS, the Authority has established the District, as permitted by the Act, pursuant to the Authority JPA, originally made and entered into July 1, 1993, as amended to date, and the City, desires to become an Associate Member of the JPA by execution of the JPA Agreement, a copy of which has been presented to this meeting and is on file with the City Clerk, to participate in the programs of the JPA and, to assist property owners within the incorporated area of the City in financing the cost of installing Authorized Improvements; and

WHEREAS, YGrene has agreed to comply with City’s operational requirements for PACE providers; and

WHEREAS, the City will not be responsible for the conduct of any special tax proceedings; the levy and collection of special taxes or any required remedial action in the case of delinquencies in the payment of any special taxes in connection with the District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. This City Council finds and declares that properties in the City’s incorporated area will be benefited by the availability of the Clean Energy Program (“CHFA CFD No. 2014-1”) to finance the installation of the Authorized Improvements.
2. This City Council consents to inclusion in the Clean Energy Program (“CHFA CFD No. 2014-1”) of all of the properties in the incorporated area within the City and to the Authorized Improvements, upon the request of and execution of the Unanimous Approval Agreement by the owners of such properties when such properties are annexed, 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.
3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the Clean Energy Program (“CHFA CFD No. 2014-1”) and authorizes the Authority, through Ygrene as the Program Administrator, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Authorized Improvements.
4. The City Council acknowledges that Ygrene has entered into an Agreement for Collaborative Services with the Association of Bay Area Governments, of which the City is a member, and pursuant to said agreement, Ygrene has agreed to defend and indemnify the City as

a result of acts or omissions by Ygrene, its officers, agents or employees. Ygrene shall acknowledge said obligations in writing before commencing any operations within the City and shall provide appropriate proof of insurance upon request of City staff.

5. This City Council hereby approves joining the JPA as an Associate Member and authorizes the execution by appropriate City officials of any necessary documents to effectuate such membership.

6. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the Clean Energy Program (“CHFA CFD No. 2014-1”) within the City, and report back periodically to this City Council on the success of such program.

7. 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.

Adopted by the City Council at a regular meeting held on _____, 2017, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:
- RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney