

1 assessment proceedings under Chapter 29 and to issue Bonds under the 1915 Act to
2 finance the Improvements; and

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

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

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

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20 WHEREAS, pursuant to Government Code Section 6586.5, a notice of public
21 hearing has been published once at least five days prior to the date hereof in a
22 newspaper of general circulation in the City and a public hearing has been duly
23 conducted by this City Council concerning the significant public benefits of the
24 CaliforniaFIRST Program and the financing of the Improvements;

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26 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
27 Albany as follows:
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1 **Section 1.** On the date hereof, the [City Council/Board of Supervisors] held a
2 public hearing and the City Council hereby finds and declares that the issuance of
3 bonds by California Communities in connection with the CaliforniaFIRST Program
4 will provide significant public benefits, including without limitation, savings in
5 effective interest rate, bond preparation, bond underwriting and bond issuance
6 costs and reductions in effective user charges levied by water and electricity
7 providers within the boundaries of the City.

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9 **Section 2.** In connection with the CaliforniaFIRST Program, the City hereby
10 consents to the conduct of special assessment proceedings by California
11 Communities pursuant to Chapter 29 on any property within the Proposed
12 Boundaries and the issuance of Bonds under the 1915 Act; provided, that

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14 (1) Such proceedings are conducted pursuant to one or more Resolutions
15 of Intention in substantially the form of the ROI; and

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17 (2) The Participating Property Owners, who shall be the legal owners of
18 such property, execute a contract pursuant to Chapter 29 and comply with
19 other applicable provisions of California law in order to accomplish the valid
20 levy of assessments.

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

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28 **Section 4.** The appropriate officials and staff of the City are hereby authorized
29 and directed to make applications for the CaliforniaFIRST program available to all

1 property owners who wish to finance Improvements; provided, that California
2 Communities shall be responsible for providing such applications and related
3 materials at its own expense. The following staff persons, together with any other
4 staff persons chosen by the City Administrator from time to time, are hereby
5 designated as the contact persons for California Communities in connection with
6 the CaliforniaFIRST Program: Environmental Specialist.

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8 **Section 5.** The appropriate officials and staff of the City are hereby authorized
9 and directed to execute and deliver such closing certificates, requisitions,
10 agreements and related documents as are reasonably required by California
11 Communities in accordance with the Program Report to implement the
12 CaliforniaFIRST Program for Participating Property Owners and to evidence
13 compliance with the requirements of federal and state law in connection with the
14 issuance by California Communities of the Bonds and any other bonds for the
15 CaliforniaFIRST Program. To that end, and pursuant to Treasury Regulations
16 Section 1.150-2, the staff persons listed in Section 3 above, or other staff person
17 acting in the same capacity for the City with respect to the CaliforniaFIRST
18 Program, are hereby authorized and designated to declare the official intent of the
19 City with respect to the Improvements to be paid or reimbursed through
20 participation in the CaliforniaFIRST Program.

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22 **Section 6.** The appropriate officials and staff of the City are hereby authorized
23 and directed to pay California Communities a fee in an amount not to exceed
24 \$10,000, which California Communities will use to pay for the costs of implementing
25 the CaliforniaFIRST Program in the City, including the payment of legal costs
26 incurred in connection with judicial validation of the CaliforniaFIRST Program.

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

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5 **PASSED AND ADOPTED** this 7th day of December, 2009 by the following vote, to
6 **wit:**

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8 **AYES:** Council Members _____

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10 **NOES:** Council Members _____

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12 **ABSENT:** Council Members _____

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14 **ABSTAIN:** Council Members _____

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EXHIBIT A

FORM OF RESOLUTION OF INTENTION