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RESOLUTION NO. 2014-74

A RESOLUTION OF THE ALBANY CITY COUNCIL CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY’S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO

WHEREAS, the Western Riverside Council of Governments (“Authority”) is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the “Act”) and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the “Authority JPA”); and

WHEREAS, Authority has established the California HERO Program to provide for the financing of renewable energy distributed generation sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the “Improvements”) pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code (“Chapter 29”) within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, the City of Albany is committed to development of renewable energy sources and energy efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change; and

WHEREAS, the City’s Climate Action Plan calls for the development of renewable energy sources and energy efficiency improvements within the community; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

1 **WHEREAS**, installation of such Improvements by property owners within the
2 jurisdictional boundaries of the counties and cities that are participating in the California
3 HERO Program would promote the purposes cited above; and

4 **WHEREAS**, the City wishes to provide innovative solutions to its property
5 owners to achieve energy and water efficiency and independence, and in doing so
6 cooperate with Authority in order to efficiently and economically assist property owners
7 the City in financing such Improvements; and

8 **WHEREAS**, Authority has established the California HERO Program, which is
9 such a voluntary contractual assessment program, as permitted by the Act, the Authority
10 JPA, originally made and entered into April 1, 1991, as amended to date, and the
11 Amendment to Joint Powers Agreement Adding the City of Albany as an Associate
12 Member of the Western Riverside Council of Governments to Permit the Provision of
13 Property Assessed Clean Energy (PACE) Program Services within the City (the “JPA
14 Amendment”), by and between Authority and the City, a copy of which is attached as
15 Exhibit “A” hereto, to assist property owners within the jurisdiction of the City in
16 financing the cost of installing Improvements; and

17 **WHEREAS**, the City will not be responsible for the conduct of any assessment
18 proceedings; the levy and collection of assessments or any required remedial action in the
19 case of delinquencies in the payment of any assessments or the issuance, sale or
20 administration of any bonds issued in connection with the California HERO Program.

21
22 **NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Albany
23 that:

24 1. The City Council consents to inclusion in the California HERO Program of all
25 of the properties in the jurisdictional boundaries of the City and to the Improvements,
26 upon the request by and voluntary agreement of owners of such properties, in compliance
27 with the laws, rules and regulations applicable to such program; and to the assumption of
28 jurisdiction thereover by Authority for the purposes thereof.

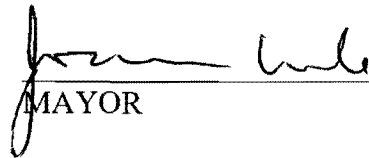
29 2. The consent of this City Council constitutes assent to the assumption of

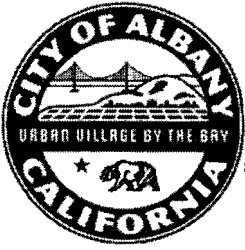
1 jurisdiction by Authority for all purposes of the California HERO Program and authorizes
2 Authority, upon satisfaction of the conditions imposed in this resolution, to take each and
3 every step required for or suitable for financing the Improvements, including the levying,
4 collecting and enforcement of the contractual assessments to finance the Improvements
5 and the issuance and enforcement of bonds to represent such contractual assessments.

6 3. This City Council hereby authorizes the City Manager to execute the JPA
7 Amendment.

8 4. City staff is authorized to coordinate with Authority staff to facilitate
9 operation of the California HERO Program within the City, and report back periodically
10 to this City Council on the success of such program.

11 5. This Resolution shall take effect immediately upon its adoption. The City
12 Clerk is directed to send a certified copy of this resolution to the Secretary of the
13 Authority Executive Committee.

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18 MAYOR
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City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2014-74

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 21st day of July, 2014, by the following votes:

AYES: Council Members Atkinson, Barnes, Nason, Vice Mayor Maass and Mayor Wile

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 22nd
day of July, 2014.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.