



Yvonne Spence, CMC  
City Clerk

Mailed original  
Certified 12/18/15

CLERK'S CERTIFICATION

I, Yvonne Spence, CMC, City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify the foregoing to be a full, true and correct copy of City Council Resolution No. 2015-214 adopted on December 3, 2015 now on file in my office.

IN, WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Fresno, California this 18th day of December, 2015.

YVONNE SPENCE, CMC  
City Clerk



By Marco Martinez-Velasquez  
Marco Martinez-Velasquez  
Deputy City Clerk

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RESOLUTION NO. 2015-214

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRESNO CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY OF FRESNO IN THE CMFA PACE PROGRAM; AUTHORIZING THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY; AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Municipal Finance Authority (the "Authority") 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 Fresno (the "City"); and

WHEREAS, the Authority has established its PACE Program (the "Program") to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency and seismic strengthening improvements, electric vehicle charging infrastructure and such other improvements, infrastructure or other work as may be authorized by law from time to time (collectively, the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") within counties and cities throughout the State of California that consent to the inclusion of properties within their respective territories in the Program and the issuance of bonds from time to time; and

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

WHEREAS, the City of Fresno ("City") desires to allow the owners of property ("Participating Property Owners") within its territory to participate in the Program and to allow the Authority to conduct assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or refinance Improvements; and

WHEREAS, the territory within which assessments may be levied for the Program shall include all of the territory within the City's official boundaries; and

WHEREAS, the Authority will conduct all assessment proceedings under Chapter 29 for the Program and issue any bonds issued in connection with the Program; and

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Date Adopted: 12/03/2015  
Date Approved: 12/09/2015  
Effective Date: 12/09/2015

Resolution No. 2015-214

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City Clerk's Office  
Date 12/18/15



WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale, administration repayment or guarantee of any bonds issued in connection with the Program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. This Council hereby finds and declares that the foregoing recitals are true and correct.

2. This Council hereby finds and declares that properties in the territory of the City will benefit from the availability of the Program within the territory of the City and, pursuant thereto, the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance Improvements.

3. In connection with the Program, the City hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on any property within the territory of the City and the issuance of bonds to finance or refinance Improvements provided that:

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

(b) The City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale, administration, repayment or guarantee of any bonds issued in connection with the Program.

4. The appropriate officials and staff of the City are hereby authorized and directed to make applications for the Program available to all property owners who wish to finance or refinance Improvements; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The following staff persons, together with any other staff persons chosen by the Mayor or City Manager of the City from time to time, are hereby designated as the contact persons for the Authority in connection with the Program: Energy Program Administrator, Sustainable Division.

5. The appropriate officials and staff of the City are hereby authorized and directed to execute and deliver such certificates, requisitions, agreements and related documents as are reasonably required by the Authority to implement the Program.



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

7. This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Financial Advisor of the Authority at: California Municipal Finance Authority, 2111 Palomar Airport Road, Suite 320, Carlsbad, California 92011, Attn: Anthony Stubbs.

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STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 3<sup>rd</sup> day of December, 2015.

AYES : Brand, Brandau, Caprioglio, Olivier, Quintero, Soria, Baines  
NOES : None  
ABSENT : None  
ABSTAIN : None

Mayor Approval: December 9<sup>th</sup>, 2015  
Mayor Approval/No Return: N/A, 2015  
Mayor Veto: N/A, 2015  
Council Override Vote: N/A, 2015

YVONNE SPENCE, CMC  
City Clerk

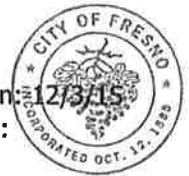
By: *Yvonne Spence*  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: *Brandon M. Collet* 12/16/15  
Brandon M. Collet Date  
Deputy

December 4, 2015

RECEIVED



Council Adoption: 12/3/15  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

2015 DEC 9 PM 3 37

FROM: Todd Stermer, Assistant City Clerk for  
YVONNE SPENCE, CMC  
City Clerk

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 12/3/15, Council adopted the attached Resolution No. 2015-214 entitled **Consenting to the inclusion of properties within the City of Fresno (the "City") In the California Municipal Finance Authority ("CMFA") Property Assessed Clean Energy ("PACE") Program: (CMFA PACE Program); authorizing the CMFA to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the City of Fresno; and authorizing related actions, Item No. 1-B (File ID# 15-1020) by the following vote:**

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Soria  
Noes : None  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before December 14, 2015. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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**APPROVED/NO RETURN:** \_\_\_\_\_

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin, Mayor

Date: 12/9/15

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :

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City Clerk's Office

Date 12/18/15

