

## RESOLUTION NO. 2017-

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY, CALIFORNIA CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE GOLDEN STATE FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS, SEISMIC IMPROVEMENTS, AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO

**WHEREAS**, the Golden State Finance Authority is a joint powers authority, (the "Authority") established pursuant to Chapter 5 of Division 7, Title 1, of the Government Code of the State of California (Section 6500 and following) and the Joint Powers Agreement entered into on July 1, 1993, as amended to date (the "Authority JPA"); a copy of the Authority JPA (without the signature pages) is attached hereto as Exhibit A; and

**WHEREAS**, the Authority has amended the Authority JPA to formally change its name from California Home Finance Authority to Golden State Finance Authority; and

**WHEREAS**, the Authority has established a Community Facilities District, CHFA No. 2014-1 (Clean Energy) (the "Authority CFD 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 Authority CFD Program is to finance or refinance (including the payment of interest) the acquisition, installation, and improvement of energy efficiency, water conservation, seismic improvements, renewable energy and electric vehicle charging infrastructure improvements permanently affixed to private or publicly-owned real property (the "Authorized Improvements"); and

**WHEREAS**, the City of Cathedral City (the "City") is a member of the Coachella Valley Association of Governments ("CVAG"), also a joint powers authority; and

**WHEREAS**, the City and other CVAG member jurisdictions have previously entered into an Implementation Agreement authorizing CVAG to implement, manage and administer Regional PACE Programs (as defined in said Implementation Agreement) within the jurisdictional boundaries of the CVAG member jurisdictions; and

**WHEREAS**, CVAG proposes to enter into one or more Administration Agreements with program administrators currently active in the Authority CFD Program to provide the Regional PACE Programs to CVAG member agencies, whereby portions of the administration of the Authority CFD Program in Eastern Riverside County shall be delegated to CVAG (the "Administration Agreements"); and

**WHEREAS**, the 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 City has determined that it is in the public interest and for the public benefit that the City become a Member of the Authority so that property owners within the City’s territory may participate in any Regional PACE Programs implemented by CVAG pursuant to any Administration Agreements by and between CVAG and Authority program administrators; and

**WHEREAS**, the Authority has established the District, as permitted by the Act and the Authority JPA, and the City, desires to become an Associate Member of the Authority JPA by acknowledgement of the Authority JPA Agreement, to participate in any of the Regional PACE Programs for which CVAG has entered into an Administration Agreement with an Authority CFD Program administrator, and to assist property owners within the incorporated area of the City to participate in such Regional PACE Programs; 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 THAT:**

1. This City Council finds and declares that properties in the City’s incorporated area will be benefited by the availability of the Authority CFD Program to finance the installation of the Authorized Improvements.

2. In connection with the Regional PACE Programs, and subject to the terms of the Administration Agreements, this City Council consents to inclusion in the Authority CFD Program 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. Consistent with the recitals above, and subject to the terms of the Administration Agreements, the consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for said purposes and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Authorized Improvements; provided, however, that the City will not be responsible for the conduct of any assessment or special tax proceedings; the levy of assessments or special taxes; any required remedial action in the case of delinquencies in such assessment or special tax payments; or the issuance, sale, administration, repayment or guarantee of any bonds or other debt issued in connection with the Authority CFD Program.

4. 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 and implementation of the Authority CFD Program, including, but not limited to the JPA Addendum attached hereto as Exhibit B and incorporated herein by reference.

5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the Authority CFD Program within the City consistent with the terms of any Administration Agreements by and between CVAG and an Authority CFD Program administrator, and report back periodically to this City Council on the success of such program.

6. This Resolution shall take effect once it is adopted only for an Authority CFD Program administrator who has entered into an Administration Agreement with CVAG and provides the City a fully executed copy of such agreement. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority.

**PASSED, APPROVED, and ADOPTED** at a regular meeting of the City Council for the City of Cathedral City held on this 14<sup>th</sup> day of June, 2017, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

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Stanley E. Henry, Mayor  
Cathedral City

**ATTEST:**

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City Clerk

**APPROVED AS TO FORM:**

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City Attorney