

RESOLUTION NO. 2011-538

Adopted by the Sacramento City Council

September 27, 2011

CONFIRMING THE PROGRAM REPORT ESTABLISHING A CITY-SPONSORED PROPERTY ASSESSED CLEAN ENERGY PROGRAM UNDER WHICH THE CITY WILL MAKE VOLUNTARY CONTRACTUAL ASSESSMENT FINANCING AVAILABLE TO OWNERS OF COMMERCIAL OR INDUSTRIAL PROPERTY WITHIN THE CITY

BACKGROUND

- A. On September 13, 2001, the City Council adopted a resolution declaring its intent to establish a Commercial Property Assessed Clean Energy Program (the “**PACE Program**”) in accordance with Chapter 29 (beginning with section 5898.10) in part 3 of division 7 of the California Streets and Highways Code (“**Chapter 29**”). Under Chapter 29, the City may make voluntary contractual-assessment financing available to owners of property within the City who wish to install certain “eligible improvements” on their property.
- B. The resolution adopted on September 13, 2011, also set September 27, 2011, at 6:00 p.m. as the date and time the City Council would hold a public hearing on the PACE Program, and it directed that the City Clerk publish notice of the hearing in accordance with Chapter 29. In addition, it directed the Director, Department of General Services, to prepare and submit to the City Clerk a report on the PACE Program in accordance with sections 5898.22 and 5898.23 of Chapter 29 (the “**Program Report**”) and to enter into consultations with the Sacramento County Auditor-Controller’s Office in order to reach agreement on what additional fees, if any, will be charged to the City for incorporating the proposed voluntary contractual assessments into the assessments of the City’s general taxes on real property.
- C. Notice of the hearing was duly published as directed. In addition, the City gave written notice of the proposed PACE Program to the water and electric providers within the City (SMUD and PG&E), who waived the time limits in Chapter 29.
- D. On September 27, 2011, at 6:00 p.m. in the City Council’s Chambers in New City Hall (915 I Street, Sacramento), the City Council held a public hearing at which the Program Report was summarized. Although the resolution adopted on September 13, 2011, contemplated that the PACE Program would apply only to commercial property, the Program Report submitted to the City Clerk and summarized at the hearing extends the PACE Program not just to commercial property (defined to include multi-family residences with four or more units) but also to industrial property. All persons who were present at the hearing were given the opportunity to comment upon, object to, or present evidence with regard to, the following: the PACE Program, the extent of the area proposed to be included within the PACE Program, the terms and conditions of the draft

assessment contract attached as Exhibit E to the Program Report, and the proposed financing provisions.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Council hereby confirms the Program Report as submitted to the City Clerk and summarized at the public hearing (attached as Exhibit A), including its modification by the addition of industrial property to the PACE Program.
- Section 2. The City Council hereby (a) designates the Office of the City Treasurer (the “**City Treasurer**”) as the office responsible for annually preparing the current roll of assessment obligations by assessor’s parcel number on property subject to a voluntary contractual assessment; and (b) directs the City Treasurer to establish procedures for promptly responding to inquiries concerning current and future estimated liability for a voluntary contractual assessment.
- Section 3. Exhibit A is part of this resolution.

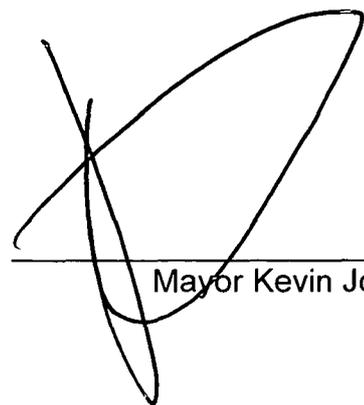
Adopted by the City of Sacramento City Council on September 27, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:



Shirley Concolino, City Clerk