

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING THE INTEREST OF THE CITY OF SAN JOSE TO JOIN THE CALIFORNIAFIRST PROGRAM AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Statewide Communities Development Authority ("California Communities") 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 San José (the "City"); and

WHEREAS, California Communities is establishing the CaliforniaFIRST program ("CaliforniaFIRST") to allow the financing of certain renewable energy and energy efficiency improvements (the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") and the issuance of improvement bonds (the "Bonds") under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) (the "1915 Act") upon the security of the unpaid contractual assessments; and

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

WHEREAS, the City desires to express its interest in allowing the owners of property within its jurisdiction ("Participating Property Owners") to participate in CaliforniaFIRST and in allowing California Communities to conduct assessment proceedings under Chapter 29 and to issue Bonds under the 1915 Act to finance the Improvements; and

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

WHEREAS, California Communities will, at a later date, present to this City Council a form of Resolution of Intention to be adopted by California Communities in connection with such assessment proceedings (the "ROI"), and California Communities will, at that time, ask this City Council to hold a public hearing and to adopt a resolution authorizing California Communities to conduct special assessment proceedings pursuant to Chapter 29 on any property within the boundaries of the City and to issue Bonds under the 1915 Act; and

WHEREAS, this City Council wishes to declare the interest of the City in joining the CaliforniaFIRST program;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

Section 1. The City hereby declares its interest in joining CaliforniaFIRST and in California Communities conducting special assessment proceedings pursuant to Chapter 29 on any property within the boundaries of the City and issuing Bonds under the 1915 Act.

When final program documentation is available from California Communities, including the form of ROI, the City Council will consider authorizing the City to join CaliforniaFIRST and authorizing assessment proceedings pursuant to Chapter 29 on any property within the boundaries of the City. In the event that the City elects to join CaliforniaFIRST, the City will hold a public hearing in conjunction with the City Council's adoption of its resolution authorizing the City to join CaliforniaFIRST.

Section 2. The City Manager and her authorized designees are hereby authorized and directed to work with California Communities to finalize the CaliforniaFIRST documentation in preparation for returning to the City Council.

Section 3. 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 Secretary of California Communities.

ADOPTED this ____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk