

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAKERSFIELD, CALIFORNIA CONSENTING TO THE INCLUSION OF THE PROPERTY LOCATED AT 5201 RIVERLAKES DRIVE, BAKERSFIELD, CALIFORNIA IN THE CSCDA OPEN PACE PROGRAM; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT AN APPLICATION FROM THE OWNER OF SUCH PROPERTY, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS ON SUCH PROPERTY; AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Statewide Communities Development 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 Bakersfield (the "City"); and

WHEREAS, Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") authorizes the Authority to establish voluntary contractual assessment programs to finance or refinance 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 within counties and cities throughout the State of California that consent to the participation of properties within their respective territories and the issuance of bonds from time to time; and

WHEREAS, for the purpose of providing financing and refinancing for the Improvements, the Authority has established the CSCDA Open PACE Program; and

WHEREAS, the Authority has designated multiple third-party program administrators to administer the CSCDA Open PACE Program, including Nuveen Green Capital (including its affiliates, "Nuveen"); 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, Preservation Golf, LLC the owner (the "Participating Property Owner") of the property located at 5201 Riverlakes Drive, Bakersfield, California (the "Participating Property") has asked the Authority and Nuveen to provide financing through the CSCDA Open PACE Program for the installation of

Improvements on the Participating Property (the "Project"), and the City consents and authorizes the Participating Property Owner to participate in the CSCDA Open PACE Program and consents and authorizes the Authority to conduct assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or refinance the installation of Improvements on the Participating Property (the "CSDSDA Open PACE Program Actions"); and

WHEREAS, the Authority shall conduct all assessment proceedings under Chapter 29 for the Participating Property and issue any bonds related to the Participating Property, and the City shall 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 or administration of any bonds issued in connection with the Participating Property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Bakersfield hereby resolves as follows:

1. The City Council finds and declares that the foregoing recitals are true and correct and incorporated herein by reference.
2. The City Council hereby finds and declares that the Participating Property will benefit from participating in the CSCDA Open PACE Program 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 the installation of Improvements on the Participating Property.
3. The City hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on the Participating Property and the issuance of bonds to finance or refinance the installation of Improvements on the Participating Property; provided, that:
 - (1) the Participating Property Owner, who shall be the legal owner of such property, executes a contract pursuant to Chapter 29 and complies with other applicable provisions of California law in order to accomplish the valid levy of assessments; and
 - (2) the City shall 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 or administration of any bonds issued by the Authority in connection with the Participating Property.

4. The City Manager or designee is 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 authorization accomplished by this Resolution. The City Manager or designee is hereby designated as the contact persons for the Authority in connection with the CSCDA Open PACE Program.
5. The City Council hereby finds that no environmental review is required under the California Environmental Quality Act ("CEQA") in connection with the adoption of this Resolution because the Project is categorically exempt pursuant to Section 15303(e) (Class 3- New Construction) of the State CEQA Guidelines.
6. 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 the Authority at: Secretary of the Board, California Statewide Communities Development Authority, 1400 K Street, Sacramento, CA 95814.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted, by the Council of the City of Bakersfield at a regular meeting thereof held on _____ by the following vote:

AYES:	COUNCILMEMBER	ARIAS, GONZALES, WEIR, SMITH, FREEMAN, GRAY, KAUR
NOES:	COUNCILMEMBER	_____
ABSTAIN:	COUNCILMEMBER	_____
ABSENT:	COUNCILMEMBER	_____

JULIE DRIMAKIS, CPMC, MMC
 CITY CLERK and Ex Officio of the Council
 of the City of Bakersfield

APPROVED: _____

By _____
KAREN GOH
 Mayor

APPROVED AS TO FORM:
VIRGINIA GENNARO
 City Attorney

By: _____
JOSHUA H. RUDNICK
 Deputy City Attorney