RESOLUTION APPROVING AN AMENDMENT TO THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT TO ADD THE CITY OF STOCKTON AS AN ASSOCIATE MEMBER AND AUTHORIZING THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN STOCKTON CITY BOUNDARIES IN CONNECTION WITH THE CITY’S PARTICIPATION IN THE CALIFORNIA HERO PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND ACTIONS RELATED THERETO

The Western Riverside Council of Governments ("Authority") is a joint powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (§ 6500 and following) (the “Act”) and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the “Authority JPA”); and

Authority has established the California HERO Program to provide for the financing of renewable energy distributed generation sources, energy, and water efficiency improvements and electric vehicle charging infrastructure (the “Improvements”) pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code (“Chapter 29”) within counties and cities throughout the State of California that elect to participate in such program; and

The City of Stockton (the “City”) is committed to the development of renewable energy sources and energy efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change; and

In Chapter 29 the Legislature authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and
Installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the California HERO Program would promote the purposes cited above; and

The City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency and independence, and in doing so cooperate with Authority in order to efficiently and economically assist property owners within the City in financing such Improvements; and

The City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale, or administration of any bonds issued in connection with the California HERO Program; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council finds and declares that properties in the City’s incorporated area will be benefited by the availability of the California HERO Program to finance the installation of renewable energy distributed generation sources, energy, and water efficiency improvements and electric vehicle charging infrastructure.

2. The City Council consents to inclusion in the California HERO Program of all of the properties in the jurisdictional boundaries of the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, 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. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the California HERO Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required or suitable for financing the Improvements, including the levying, collecting, and enforcement of the contractual assessments to finance the
Improvements and the issuance and enforcement of bonds to represent such contractual assessments.

4. The City Council hereby approves the JPA Amendment and authorizes the execution thereof by appropriate City officials.

5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the California HERO Program within the City, and report back periodically to this City Council on the success of such program.

6. The City Manager or his designee is authorized to execute all documents and take any actions necessary and appropriate to carry out the purpose and intent of this resolution.

7. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority Executive Committee.

PASSED, APPROVED, and ADOPTED _______ May 6, 2014 _______

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ANTHONY SILVA, Mayor
of the City of Stockton

ATTEST:

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BONNIE PAIGE, City Clerk
of the City of Stockton