



CITY COUNCIL STAFF REPORT

DATE: May 27, 2008

PUBLIC HEARING

SUBJECT: APPROVE THE PALM SPRINGS ENERGY EFFICIENCY PROGRAM AND THE REPORT PREPARED BY THE AUTHORIZED OFFICER, ESTABLISHING A CONTRACTUAL ASSESSMENT PROGRAM TO FINANCE (AB811) ENERGY IMPROVEMENTS, AND CONFIRMING ASSESSMENTS TO BE LEVIED

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY

Staff is requesting this item be continued.

RECOMMENDATION:

- 1) Continue the Public Hearing to a future date with no public testimony; and
- 2) Direct the City Clerk to re-notice.

Kathie Hart, CMC
Chief Deputy City Clerk

David H. Ready, Esq., Ph.D.
City Manager

Item No. 1.B.



City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262
Tel: (760) 323-8204 • Fax: (760) 322-8332 • Web: www.palmsprings-ca.gov

NOTICE OF CONTINUANCE

NOTICE IS HEREBY GIVEN that the meeting of May 13, 2009, Public Hearing Item No. 1.A.


JOINT MEETING WITH THE SUSTAINABILITY COMMISSION AND PUBLIC DISCUSSION ON THE CITY OF PALM SPRINGS SUSTAINABILITY MASTER PLAN AND CITY COUNCIL PUBLIC HEARING APPROVING THE PALM SPRINGS ENERGY EFFICIENCY PROGRAM AND THE REPORT PREPARED BY THE AUTHORIZED OFFICER, ESTABLISHING A CONTRACTUAL ASSESSMENT PROGRAM TO FINANCE (AB811) ENERGY IMPROVEMENTS, AND CONFIRMING ASSESSMENTS TO BE LEVIED

The City Council continued the public hearing to Wednesday, May 27, 2009, at the Council Chamber, City Hall, 3200 Tahquitz Canyon Way, at 6:00 p.m., or as soon thereafter as possible.

AFFIDAVIT OF POSTING

State of California)
County of Riverside) ss.
City of Palm Springs)

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 6:00 p.m., May 14, 2009, as required by established policies and procedures.


James Thompson
City Clerk



City of Palm Springs

Office of the City Clerk

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Tel: (760) 323-8204 • Fax: (760) 322-8332 • Web: www.palmsprings-ca.gov

NOTICE OF CONTINUANCE

NOTICE IS HEREBY GIVEN that the Adjourned Regular Meeting of March 25, 2009, Public Hearing Item No. 1.A.


JOINT MEETING WITH THE SUSTAINABILITY COMMISSION AND PUBLIC DISCUSSION ON THE CITY OF PALM SPRINGS SUSTAINABILITY MASTER PLAN AND CITY COUNCIL PUBLIC HEARING APPROVING THE PALM SPRINGS ENERGY EFFICIENCY PROGRAM AND THE REPORT PREPARED BY THE AUTHORIZED OFFICER, ESTABLISHING A CONTRACTUAL ASSESSMENT PROGRAM TO FINANCE (AB811) ENERGY IMPROVEMENTS, AND CONFIRMING ASSESSMENTS TO BE LEVIED

By a unanimous vote of the City Council of the City of Palm Springs the public hearing was continued to Wednesday, May 13, 2009, Council Chamber, 3200 E. Tahquitz Canyon Way, at 6:00 p.m., or as soon thereafter as possible.

AFFIDAVIT OF POSTING

State of California)
County of Riverside) ss.
City of Palm Springs)

I, James Thompson, City Clerk of the City of Palm Springs, California, certify this Notice of Continuance was posted at or before 5:30 p.m., March 26, 2009, as required by established policies and procedures.


James Thompson
City Clerk

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**




CITY CLERK'S DEPARTMENT
James Thompson, City Clerk

Date: March 25, 2009
Subject: Energy Efficiency Improvements

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of Resolution No. 22444 was published in the Desert Sun on March 7, 2009, and March 14, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

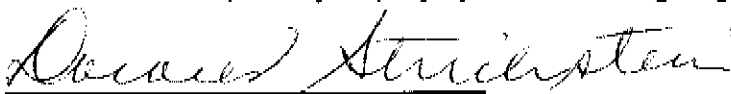


Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Dolores Strickstein, Secretary, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on March 6, 2009.

I declare under penalty of perjury that the foregoing is true and correct.



Dolores Strickstein
Secretary

RESOLUTION NO. 22444

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DECLARING ITS INTENTION TO FINANCE ENERGY EFFICIENCY IMPROVEMENTS THROUGH THE USE OF CONTRACTUAL ASSESSMENTS PURSUANT TO CHAPTER 29 OF PART 3 OF DIVISION 7 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND SETTING A PUBLIC HEARING THEREON

WHEREAS, pursuant to Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code ("Chapter 29"), the City Council proposes to establish a contractual assessment program to assist property owners with the cost of making energy efficiency improvements that are permanently fixed to their property;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF PALM SPRINGS HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The City Council hereby finds and declares all of the following:

A. Energy conservation efforts, including the promotion of energy efficiency improvements to residential, commercial, industrial, or other real property are necessary to address the issue of global climate change.

B. The upfront cost of making residential, commercial, industrial, or other real property more energy efficient prevents many property owners from making those improvements. To make those improvements more affordable and to promote the installation of those improvements, the Legislature has authorized an alternative procedure pursuant to Chapter 29 for authorizing assessments to finance the cost of energy efficiency improvements.

C. A public purpose will be served by a contractual assessment program whereby the City Council is authorized to finance the installation of energy efficiency improvements that are permanently fixed to residential, commercial, industrial, or other real property.

D. It is convenient, advantageous, and in the public interest to designate the entire City, including any area that may be annexed to the City, as the area within which authorized City officials and property owners may enter into contractual assessments to finance the installation of energy efficiency improvements that are permanently affixed to real property

Section 2. The City Council hereby determines that it would be convenient, advantageous and in the public interest to designate the entire City as an area within which authorized City officials and property owners may enter into contractual assessments pursuant to Chapter 29 to finance the installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently fixed to real property.

Section 3. The City Council hereby declares that it proposes to make contractual assessment financing available to the owners of property in the City to finance the installation of energy efficiency improvements that are permanently fixed to real property.

Section 4. The City Manager or the City Manager's designee (the "Authorized Officer") shall prepare, as part of the report required in Section 7 of this Resolution, and update, sources or energy efficiency improvements that may be financed through the City's contractual assessment financing program. The types of energy efficiency improvements eligible for financing through contractual assessments may include, but are not limited to, high efficiency air conditioning and ventilation systems, high performance windows, high efficiency pool equipment, high efficiency water heating equipment, photovoltaic and thermal solar energy systems, zoning control and energy management control systems, high efficiency irrigation pumps and controls and natural gas fuel cells, wall, ceiling, and roof insulation upgrades.

Section 5. The entire City and any area that may be annexed thereto, is designated the area within which contractual assessments may be entered into pursuant to Chapter 29.

Section 6. The proposed arrangements for financing the contractual assessment financing program may include without limitation the issuance of bonds pursuant to Chapter 29, the principal and interest of which would be repaid by contractual assessments. Alternatively, the City may advance its own funds to finance work to be repaid through contractual assessments, and may from time to time sell bonds, notes, certificates of participation, or other forms of indebtedness to reimburse itself for such advances. The proposed arrangements may also include the lease-purchase of public facilities by the City pursuant to a lease or other contractual arrangement with a public financing authority or non-profit entity or other financing elements as may be determined necessary or useful to the financing of the contractual assessment program.

Section 7. The City Council hereby directs the Authorized Officer to prepare and file with the City Council a report pursuant to Section 5898.22 of the California Streets and Highways Code at or before the time of the public hearing described in Section 8 hereof (the "Report"). The Report shall contain all of the following:

- (a) A map showing the boundaries of the territory within which contractual assessments are proposed to be offered.
- (b) A draft contract specifying the terms and conditions that would be agreed to be a property owner within the contractual assessment area and the City.

- (c) A statement of City policies concerning contractual assessments including all of the following:
 - (i) Identification of types of facilities, or energy efficiency improvements that may be financed through the use of contractual assessments;
 - (ii) Identification of a city official authorized to enter into contractual assessments on behalf of the City;
 - (iii) A maximum aggregate dollar amount of contractual assessments; and
 - (iv) A method for setting requests from property owners for financing through contractual assessments in priority order in the event that requests appear likely to exceed the authorization amount.

- (d) A plan for raising a capital amount required to pay for work performed pursuant to contractual assessments. The plan may include amounts to be advanced by the City through funds available to it from any source. The plan may include the sale of a bond or bonds or other financing relationship pursuant to Streets and Highways Code Section 5898.28. The plan shall include a statement of or method for determining the interest rate and time period during which contracting property owners would pay any assessment. The plan shall provide for any reserve fund or funds. The plan shall provide for the apportionment of all or any portion of the costs incidental to financing, administration, and collection of the contractual assessment program among the consenting property owners and the City.

Section 8. The City Council hereby calls a public hearing to be held on March 25, 2009 at 6:00 p.m., or soon thereafter as feasible, in the Council Chambers, 3200 E. Tahquitz Canyon Way, Palm Springs, California, on the proposed Report and the contractual assessment financing program. At the public hearing all interested persons may appear and hear and be heard and object to or inquire about the proposed contractual assessment financing program or any of its particulars.

Section 9. The City Clerk is hereby directed to provide notice of the public hearing by publishing this Resolution once a week for two weeks, pursuant to Section 6066 of the California Government Code, in the Desert Sun and the first publication shall not occur later than 14 days before the date of such hearing.

Section 10. The assessments levied pursuant to Chapter 29, and the interest and any penalties thereon, shall constitute a lien against the lots and parcels of land on which they are made, until they are paid. The assessments shall be collected in the same manner and at the same time as the general taxes of the City on real

property are payable and shall be subject to the same penalties, remedies and lien priorities in the event of delinquency and default.

Section 11. The City Council hereby directs the Authorized Officer to enter into consultations with the County of Riverside Auditor-Controller's office to reach agreement with the County regarding the collection of the contractual assessments by the County on the tax roll.

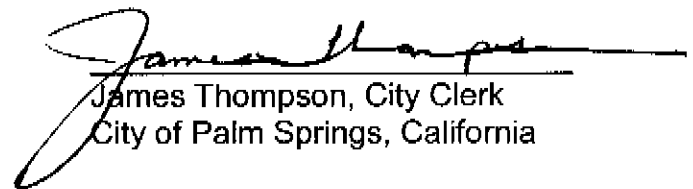
PASSED, APPROVED AND ADOPTED THIS 4TH DAY OF MARCH, 2009.

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. 22444 is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on the 4th day of March, 2009, by the following vote:

AYES: Councilmembers Foat, Hutcheson, Weigel, and Mayor Pougnet
NOES: None
ABSENT: Mayor Pro Tem Mills
ABSTAIN: None


James Thompson, City Clerk
City of Palm Springs, California