

RESOLUTION NO. 2415-09

RESOLUTION OF THE TOWN OF WINDSOR TOWN COUNCIL, COUNTY OF SONOMA, STATE OF CALIFORNIA, CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE TOWN OF WINDSOR'S INCORPORATED AREA IN THE COUNTY OF SONOMA'S CONTRACTUAL ASSESSMENT PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY EFFICIENCY IMPROVEMENTS

WHEREAS, the Town of Windsor is committed to development of renewable energy sources and energy efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change; and

WHEREAS, in Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (the "Act"), the Legislature has authorized cities and counties to assist property owners in financing the cost of installing distributed generation renewable energy sources or making energy efficient improvements that are permanently fixed to their property (the "Improvements") through a contractual assessment program; and

WHEREAS, installation of such Improvements by property owners in the County of Sonoma (the "County") would promote the purposes cited above and assist the towns and cities of Sonoma County, including the Town of Windsor in meeting its goal established by this Council on July 20, 2005, of reducing its greenhouse gas emissions by 20% by 2010; and

WHEREAS, the Town of Windsor wishes to provide innovative solutions to its residents to achieve energy efficiency and independence, and in doing so cooperate with the County in order to efficiently and economically assist all County property owners in financing such Improvements; and

WHEREAS, the Board of Supervisors of the County (the "Board of Supervisors") has authority to establish a contractual assessment program ("the Program") as permitted by the Act, to assist property owners in financing the cost of installing distributed generation renewable energy sources or making energy efficient improvements that are permanently affixed to real property; and

WHEREAS, the County is conducting an analysis to determine the feasibility of the Program, and to develop parameters for implementation and administration of the Program; and

WHEREAS, the Town of Windsor wishes to participate with the County in the Program, if the County adopts a County-wide assessment program, under terms and conditions agreed to by the Town of Windsor and County; and

WHEREAS, state law permits the County to offer participation in the Program to property owners in incorporated areas within the County so long as the governing body of such incorporated area approves the proposed Resolution of Intention to establish the

Program, consents to the inclusion in the Program of properties in the incorporated area within the County and consents to the Improvements to be done within such incorporated area and the assumption of jurisdiction thereover by the County for the purposes aforesaid; and

WHEREAS, this Council has reviewed the County's proposed Resolution of Intention to establish the Program entitled "Resolution of the Board of Supervisors Declaring its Intention to Finance Distributed Generation Renewable Energy Sources and Energy Efficiency Improvements Through the Use of Contractual Assessments" ("the County Resolution").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This Council finds and declares that property in the Town of Windsor incorporated area will be benefited by the Improvements proposed in the County Resolution.
2. This Council hereby supports the County's ongoing feasibility analysis and development of an AB 811 contractual assessment program.
3. Before the Program is extended into the Town's incorporated area, the Town and County shall reach an agreement addressing administrative issues such as program administration, financing, approved technologies, and any conditions the Town wishes to impose on participating properties in its jurisdiction.
4. This Council hereby approves the proposed County Resolution substantially in the form referenced hereto.
5. This Council hereby finds and determines that in the event it is necessary for the Board of Supervisors to make minor, nonsubstantive changes to the County Resolution, such minor, nonsubstantive changes do not require the approval of this Council.
6. This Council consents to inclusion in the Program of all of the properties in the incorporated area within Town of Windsor and to the Improvements proposed in the County Resolution within the Town of Windsor limits, upon the request and agreement of the property owner, in compliance with applicable laws, rules and regulations; and to the assumption of jurisdiction thereover by the County for the purposes aforesaid.
7. The consent of this Council constitutes assent to the assumption of jurisdiction by the County for all purposes of the Program and authorizes the County, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for 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.

8. Staff is authorized and directed to coordinate with County staff to facilitate operation of the Program, and report back periodically to this Council on the success of the Program.

9. The Clerk is directed to send a certified copy of this resolution to the Clerk of the Board of Supervisors.

PASSED, APPROVED AND ADOPTED this 7th day of January 2009, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, SALMON, SCHOLAR
AND MAYOR GOBLE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



ROBIN R. GOBLE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK