

Before the Board of Supervisors  
County of Placer, State of California

**In the matter of:**

A Resolution of The Board of Supervisors of the County of Placer, State of California, authorizing the Sierra Valley Energy Authority to accept applications from property owners, conduct contractual assessment proceedings, levy contractual assessments and provide financing within the unincorporated territory of the County of Placer; and authorizing related actions

Resolution No.: 2016-204

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held October 25, 2016, by the following vote on roll call:

Ayes:           HOLMES, UHLER, MONTGOMERY, WEYGANDT  
Noes:           NONE  
Absent:         DURAN

Signed and approved by me after its passage.

  
Chair, Board of Supervisors

Attest:

  
Clerk of said Board

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WHEREAS, the Sierra Valley Energy Authority ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and operating under the Joint Exercise of Powers Agreement for the Sierra Valley Energy Authority effective on September 9, 2015, as amended from time to time (the "Authority Agreement"); and

WHEREAS, the Authority was established by the County of Placer ("County of Placer") and the City of Colfax ("City of Colfax") and the County of Placer and the City of Colfax are referred to as the "Regular Members" in the Authority Agreement.

WHEREAS, Chapter 29 of The Improvement Act of 1911, being Division 7 of the California Streets and Highways Code (as amended from time to time, "Chapter 29") authorizes the contractual assessment financing of certain improvements (as enumerated from time to time in Chapter 29, "Improvements"); and

WHEREAS, Authority has established the mPOWER Program to provide for the financing of Improvements pursuant to Chapter 29 within counties and cities in the State of California that elect to participate in mPOWER Program; and

WHEREAS, the County of Placer (the "Local Agency") believes that the financing of Improvements by the Authority for properties participating in the mPOWER Program within its boundaries would accomplish a public purpose; and

WHEREAS, Local Agency wishes to authorize the Authority to undertake the mPOWER Program within its boundaries as described in this Resolution; and

WHEREAS, Local Agency will not be responsible for the conduct of any proceedings required to be taken under Chapter 29; 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 mPOWER Program.

BE IT RESOLVED, by the Board of Supervisors, County of Placer, State of California,

1. The Board of Supervisors of the County of Placer finds and declares that properties within Local Agency's jurisdiction will benefit from the availability of the mPOWER Program to conduct contractual assessment proceedings and finance the installation of Improvements pursuant to Chapter 29.
2. The Board of Supervisors consents to Authority undertaking contractual assessment proceedings under Chapter 29 for all of the properties within Local Agency's jurisdictional area and to the contractual assessment financing of Improvements by Authority, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to the Authority's mPOWER Program, and to the assumption of jurisdiction there over by Authority for the purposes thereof.
3. This Resolution constitutes assent to the assumption of jurisdiction by Authority for all purposes of the mPOWER Program and authorizes Authority to take each and every step required for it to provide contractual assessment financing for the Improvements, including the levying, collecting and enforcement of contractual assessments to finance the Improvements and the issuance and enforcement of bonds and other financing instruments to represent and be secured by such contractual assessments.

4. The Board of Supervisors hereby approves the Administrative Services Agreement and authorizes and directs staff to coordinate with Authority staff to facilitate operation of the mPOWER Program within the jurisdiction of the Local Agency, and report back periodically to the Board of Supervisors on the success of such program.
5. The Board of Supervisors hereby finds that adoption of this Resolution is not a "project" under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4)).
6. This Resolution shall take effect immediately upon its adoption. The Clerk of the Board is directed to send a certified copy of this resolution to the Secretary of the Governing Board of the Authority.