



# Rochester Hills

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## Master

**File Number: 2013-0191**

**File ID:** 2013-0191

**Type:** Project

**Status:** To Council

**Version:** 1

**Reference:** 2013-0191

**Controlling Body:** City Council  
Regular Meeting

**File Created Date :** 05/08/2013

**File Name:** PACE program

**Final Action:**

**Title label:** Request for Approval of a Resolution of Intent to establish a Property Assessed Clean Energy (PACE) program and to schedule a public hearing

**Notes:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Agenda Summary.pdf, PACE Program Documentation.pdf, Act 270.pdf

**Enactment Number:**

**Contact:** PLA 656-4660

**Hearing Date:**

**Drafter:**

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File 2013-0191

**Title**

Request for Approval of a Resolution of Intent to establish a Property Assessed Clean Energy (PACE) program and to schedule a public hearing

**Body**

**Whereas**, the City Council of the City of Rochester Hills intends to authorize the establishment of a property assessed clean energy (PACE) program and create a PACE district pursuant to Act No. 270, Public Acts of Michigan, 2010 ("Act 270"), for the purpose of promoting the use of renewable energy systems and energy efficiency improvements by owners of certain real property; and

**Whereas**, the City Council hereby finds that financing energy projects is a valid public purpose because it reduces energy costs, reduces greenhouse gas emissions, stimulates economic development, improves property values and increases employment in the City; and

**Whereas**, the types of energy projects, either energy efficiency improvements or renewable energy systems, that may be financed under the PACE program include, but are not limited to: insulation in walls, roofs, floors, foundations, or heating and cooling distribution systems; storm windows and doors; multi-glazed windows and doors; heat-absorbing or heat-reflective glazed and coated window and door systems; and additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;

automated energy control systems; heating, ventilating, or air-conditioning and distribution system modifications or replacements; caulking, weather-stripping, and air sealing; replacement or modification of lighting fixtures to reduce the energy use of the lighting system; energy recovery systems; day lighting systems; installation or upgrade of electrical wiring or outlets to charge a motor vehicle that is fully or partially powered by electricity; measures to reduce the usage of water or increases the efficiency of water usage; any other installation or modification of equipment, devices, or materials approved as a utility cost-savings measure by the City Council; a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that use one or more renewable energy resources to generate electricity. Renewable energy resources include, but are not limited to: biomass (includes a biomass stove but does not include an incinerator or digester); solar and solar thermal energy; wind energy; geothermal energy and methane gas captured from a landfill; and

**Whereas**, the City intends to create a PACE district having the same boundaries as the City's jurisdictional boundaries; and

**Whereas**, the City Council intends to join Lean & Green Michigan and intends to utilize Levin Energy Partners, LLC as PACE administrator (the "PACE Administrator") to administer its PACE program; and

**Whereas**, the City Council intends to utilize Miller, Canfield, Paddock and Stone, P.L.C. ("Bond Counsel") as legal counsel to coordinate with the City's Authorized Official (as defined in the PACE Report defined below) and the PACE Administrator in the review of each PACE project being considered for approval by the City to assure compliance with Act 270 and the PACE Program; and

**Whereas**, the Report referenced in Section 9(1) of Act No. 270 (the "PACE Report") shall be available on the City's website at <http://www.rochesterhills.org/>, and shall be available for viewing at the office of the City Clerk located at: 1000 Rochester Hills Dr., Rochester Hills, MI 48309.

**Resolved**, that the Rochester Hills City Council, being fully apprised on the Property Assessed Clean Energy Program, finds that financing energy projects is a valid public purpose because it reduces energy costs, reduces greenhouse gas emissions, stimulates economic development, improves property values and increases employment in the City; and

**Be It Further Resolved**, that the City Council, by adoption of this Resolution, formally states its intention to establish a PACE district having the same boundaries as the City's jurisdictional boundaries and a Property Assessed Clean Energy Program as described in and for the reasons set forth in this Resolution; and

**Be It Further Resolved**, that the City Council formally states its intention to provide funds for energy projects from the sale of bonds or notes, amounts advanced by the City from any source permitted by law, or from owner arranged financing from commercial lenders, which funds and financing shall be secured and repaid by assessments on the property benefited, with the agreement of the record owners; and

**Be It Further Resolved**, that the City Council, by adoption of this resolution, formally states its intention to join Lean & Green Michigan, and to utilize Levin Energy Partners, LLC as PACE Administrator; and

**Be It Further Resolved**, that the City Council, by adoption of this Resolution, designates Miller, Canfield, Paddock and Stone, P.L.C. ("Bond Counsel") as legal counsel to coordinate with the Authorized Official and the PACE Administrator in the review of each PACE project being considered for approval by the City to assure compliance with Act 270 and the PACE Program. The designation of Miller, Canfield, Paddock and Stone, P.L.C., as Bond Counsel is approved notwithstanding Miller, Canfield, Paddock and Stone, P.L.C.'s representation from time to time of parties to PACE transactions in matter unrelated to the City's PACE transactions; and

**Be It Further Resolved**, that the City Council hereby sets a public hearing for Monday, June 10, 2013, at 7:00 p.m. in the City Council Chambers at City Hall, 1000 Rochester Hills Dr., Rochester Hills, MI 48309 to receive comments on the proposed Property Assessed Clean Energy Program, including the PACE Report; and

**Be It Further Resolved**, that the City Clerk is authorized and directed to publish a Notice of Intent to establish

a PACE district and a PACE program and notice of the public hearing set by the Resolution in a newspaper of general circulation in the City as a display advertisement prominent in size. The City Clerk shall maintain on file for public review a copy of the PACE Report. The City's Planning and Economic Development Department shall cause the PACE Report to be available on the City's website in accordance with the requirements of Act. 270; and

***Be It Finally Resolved***, that all resolutions and parts of resolutions inconsistent with this Resolution are repealed to the extent of such inconsistency.