

**COUNTY OF MONROE**

**RESOLUTION APPROVING THE ESTABLISHMENT**

**OF A PROPERTY ASSESSED CLEAN ENERGY PROGRAM**

I. Statement in Support of Resolution

THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF MONROE, STATE OF MICHIGAN, STATES:

WHEREAS, the Monroe County Board of Commissioners previously adopted a Resolution of Intent to authorize the establishment of a property assessed clean energy program ("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 Monroe County Board of Commissioners hereby finds that financing energy projects is a valid public purpose because it stimulates economic development, improves property values, reduces energy costs, reduces greenhouse gas emissions, and increases employment in the County; 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 increase the efficiency of water usage; any other installation or modification of equipment, devices, or materials approved as a utility cost-savings measure by the Board of Commissioners; 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 Monroe County Board of Commissioners conducted a public hearing on August 20, 2019 at 125 East Second Street, Monroe, Michigan 48161 (Monroe County Courthouse, Board of Commissioners Chambers) to receive comments on the proposed PACE Program, including the Report referenced in Section 9(1) of Act 270 (the "PACE Report"); and

WHEREAS, the Monroe County Board of Commissioners intends to establish a PACE Program as described in the PACE Report, so as to provide a property owner based method of financing and funds for energy projects from owner-arranged financing from a commercial lender, which funds and financing shall be secured and repaid by assessments on the property benefitted, with the agreement of the record owners, such that no County monies, general County taxes, or County credit of any kind whatsoever shall be pledged, committed, or used in connection with any project as required by, and subject to Act 270.

## II. Resolution

NOW, THEREFORE, THE COUNTY BOARD OF COMMISSIONERS OF THE COUNTY OF MONROE, STATE OF MICHIGAN, HEREBY RESOLVES AS FOLLOWS:

RESOLVED, the PACE Program for the County is established and approved; and

RESOLVED, the PACE district, having the same boundaries as the County's jurisdictional boundaries, is established; and

RESOLVED, the PACE Program constitutes a valid public purpose because it stimulates economic development, improves property values, reduces energy costs, reduces greenhouse gas emissions, and increases employment in the County; and

RESOLVED, the PACE Report is incorporated herein in full by reference, and is approved and adopted; and

RESOLVED, the County Administrator/Chief Financial Officer is designated as PACE administrator to administer the PACE Program; and

RESOLVED, in accordance with the PACE Report, amendments to the PACE Program shall not require a public hearing; and

RESOLVED, in accordance with Act 270, an assessment imposed under the PACE Program, including any interest on the assessment and any penalty, shall constitute a lien against the property on which the assessment is imposed until the assessment, including any interest or penalty, is paid in full. The lien runs with the property and has the same priority and status as other property tax and assessment liens. The County has all rights in the case of delinquency in the payment of an assessment as it does with respect to delinquent property taxes. When the assessment, including any interest and penalty, is paid, the lien shall be removed from the property. The County Treasurer is authorized and directed to execute and deliver any special assessment agreement, document or certificate necessary or appropriate to create, establish and record an assessment under the PACE Program; and

RESOLVED, in accordance with Act 270, installments of assessments due under the PACE Program may be included in each summer and winter tax bill issued under the General Property Tax Act, 1893 PA 206, MCL 211.1 to 211.155 ("Act 206"), and may be collected at the same time and in the same manner as taxes collected under Act 206. The record owner shall pay the commercial lender directly for installments of assessments due under the PACE Program; and

RESOLVED, the County may join with any other local unit of government, or with any person, or with any number or combination thereof, by contract or otherwise as may be permitted by law, for the implementation of the County's PACE Program, in whole or in part, and the County Treasurer is authorized to execute and deliver such documents, agreements, or certificates as may be necessary or advisable to permit the cooperative implementation of the PACE Program as provided by Act 270 or other applicable law; and

RESOLVED, the County Treasurer is authorized to sign necessary documents, agreements, or certificates, and to take all other actions necessary or convenient to implement a PACE Program consistent with the PACE Report; and

RESOLVED, that all resolutions and parts of resolutions inconsistent with this Resolution are repealed to the extent of such inconsistency.

This Resolution was adopted by the Monroe County Board of Commissioners at a regular meeting held at the Monroe County Board Chambers, Monroe County Courthouse, Monroe County, Michigan, by a vote of a majority of the membership of the County Board of Commissioners, on the 20<sup>th</sup> day of August, 2019.

Resolution offered by Commissioner David Hoffman, supported by Commissioner David Swartout.

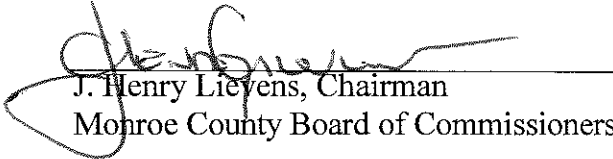
A Roll Call Vote Was Taken As Follows:

YES: David Hoffman, Mark Brant, Dawn Asper, George Jondro, Jason Turner, Jerry Oley, David Swartout, Greg Moore, Jr. and J. Henry Lievens

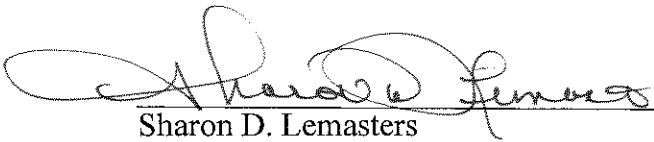
NO: None

ABSTAIN: None

The Resolution Was Declared Adopted.

  
J. Henry Lievens, Chairman  
Monroe County Board of Commissioners

ATTEST:

  
Sharon D. Lemasters  
Monroe County Clerk