

## ORDINANCE 2019-01

### AN ORDINANCE ADOPTING A “PROPERTY ASSESSED CLEAN ENERGY” (“PACE”) PROGRAM FOR THE CITY OF STREATOR, LASALLE AND LIVINGSTON COUNTIES, ILLINOIS

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#### Recitals

- A. The City of Streator (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of Illinois.
  - B. A “Property Assessed Clean Energy” program is a financing tool that helps accelerate private investments in commercial properties, and locally adopted programs have already brought billions of private investment dollars to communities across the United States since the first “Property Assessed Clean Energy” program launched in 2008.
  - C. The “Property Assessed Clean Energy Act,” codified as 50 ILCS 50/1 *et seq.* (the “PACE Act”), provides authority to local units of government, including cities like Streator, to establish a “Property Assessed Clean Energy” (“PACE”) program.
  - D. A PACE program is an economic development initiative with environmental benefits that lowers the cost of doing business, encourages new and existing business owners to invest locally, and creates jobs using the local workforce, and such projects also have a positive impact on air quality, creating healthier, more livable neighborhoods.
  - E. The Mayor and City Council (the “Corporate Authorities”) find the financing of clean energy systems and energy efficient technologies through a PACE program serve a valid public purpose and the enactment of this Ordinance is expressly declared to be in the public interest.
  - F. The Corporate Authorities intend to facilitate access to capital through the City’s PACE program (which may be managed by one or more program administrators approved by the Corporate Authorities) to provide funds for eligible projects, which will be repaid by assessments on the property benefited with the agreement of the property owners of record.
  - G. The Corporate Authorities desire to create a PACE program and make financing available to property owners expeditiously and with no cost to the City or the general public and, to that end, adopted at its regular council meeting held on October 17, 2018, Resolution 2018-44, entitled “Declaring An Intent To Create The Streator Energy Efficiency Program As A ‘Property Assessed Clean Energy’ Program.”<sup>1</sup>
  - H. At its regular council meeting held on December 19, 2018, the Corporate Authorities passed Resolution 2018-55, entitled “Adopting the Program Report and Implementation for a Property Assessed Clean Energy (PACE) Program” which fulfills the requirements of
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Section 20 of the PACE Act and, among other things, sets forth the types of energy projects that may be financed and describes the territory within the City's PACE program area and this Program Report is attached to this Ordinance as Exhibit "A."

- I. Any bonds to be issued as permitted by the PACE Act and the City's PACE program will be approved by a separate ordinance considered by the Corporate Authorities.
- J. In accordance with Section 15(7) of the PACE Act, a public hearing on the City's proposed PACE program was held at 7:00 p.m. on January 16, 2019, notice of which hearing was given by publication in *The Times* newspaper on January 29, 2019 and all other legal requirements have been satisfied.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Streator, LaSalle and Livingston Counties, Illinois as follows herein.

**SECTION 1: RECITALS.** The Corporate Authorities hereby find the Recitals are true and correct and incorporate them into this Ordinance by this reference.

**SECTION 2: DEFINITIONS.** Except the words and phrases specifically defined in the Report attached hereto as Exhibit "A" or as defined in Section 5 of the Property Assessed Clean Energy Act, 50 ILCS 50/5, as amended from time to time, words and phrases used in this Ordinance shall have their customary meanings.

**SECTION 3: ADOPTION OF PACE PROGRAM.** The types of energy projects that may be financed, the description of the proposed arrangements for financing the City's PACE program, and the description of the aspects of the PACE Program which may be subject to further administrative regulations approved by the City Manager without public hearing, are all set forth in the Report attached hereto as Exhibit "A" which Report is hereby incorporated by this reference and made a part of this Ordinance. The Corporate Authorities hereby establish the PACE area as property tracts within the City's corporate limits that are lawfully zoned for commercial and industrial uses in accordance with the City's zoning map, all as further described in the Report.

**SECTION 4: ASSESSMENT CONTRACTS.** The City Manager is hereby authorized to negotiate and execute on behalf of the City the terms of the assessment contracts with borrowers meeting the eligibility requirements set forth in the Report, as well as the requirements set forth in Section 25 of the PACE Act (as said section may be amended from time to time). The amount of the assessment in relation to the greater of the assessed value of the property or the appraised value of the property, as determined by a licensed appraiser in a written appraisal no older than 12 months, shall not exceed 25%. Upon execution, the City Clerk shall record such assessment contracts with the Recorder of Deeds of LaSalle County or Livingston County as may be appropriate under the circumstances.

**SECTION 5: ASSESSMENT TERM.** The term of an assessment may not exceed the useful life of the energy project paid for by the assessment; provided that the City may allow projects

that consist of multiple improvements with varying lengths of useful life to have a term that is no greater than the improvement with the longest useful life.


**SECTION 6: PUBLIC HEARING REQUIREMENT.** The PACE program may be amended without further public hearing.

**SECTION 7: SEVERABILITY.** Each section, paragraph, sentence, clause, and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than that part affected by such decision.

**SECTION 8: EFFECTIVE DATE AND PUBLICATION.** This Ordinance shall be published in pamphlet form and shall take effect after its approval and publication as required by law.

**PASSED** by the City Council of the City of Streator, LaSalle and Livingston Counties, Illinois at a regular meeting thereof held on **January 16, 2019**, and approved by me as Mayor on the same day.

APPROVED:

  
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Jimmie Lansford, Mayor

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Mayor Jimmie D. Lansford	√			
Councilwoman Tara Bedei	√			
Councilman Ed Brozak	√			
Councilman Brian Crouch	√			
Councilman Joe Scarbeary	√			

ATTEST:

  
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Patricia L. Henderson, City Clerk

**EXHIBIT A:** City of Streator Property Assessed Clean Energy  
(PACE) Program Report and Implementation Plan