

**THIS DOCUMENT IS FOR INFORMATIONAL PURPOSES ONLY AND NOT FOR THE PURPOSE OF PROVIDING LEGAL ADVICE. YOU SHOULD CONSULT YOUR ATTORNEY TO OBTAIN ADVICE WITH REGARD TO THE CONTENT, AND USE, OF THIS DOCUMENT.**

AN ORDINANCE OF THE [GOVERNING BODY] OF THE [\_\_\_\_\_] ESTABLISHING THE [\_\_\_\_\_] MUNICIPAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM (PACE PROGRAM)

WHEREAS, the State Legislature enacted the Municipal Property Assessed Clean Energy Act, Alaska Statutes 29.55, as amended, restated, supplemented or otherwise modified from time to time (“PACE Act”), authorizing local governments to establish an energy improvement assessment program to finance the installation or modification of permanent improvements, fixed to existing privately owned commercial or industrial property, intended to achieve reduced energy consumption or demand in areas designated by local governments; and

WHEREAS, the installation or modification by property owners of qualified energy saving improvements to privately owned commercial or industrial property intended to reduce energy consumption or demand, energy costs, or emissions affecting local air quality in [\_\_\_\_\_] will further the goals of energy conservation without cost to the public, thereby serving a valid public purpose; and

WHEREAS, the [GOVERNING BODY] of [\_\_\_\_\_] adopted Resolution No. \_\_\_\_\_, on \_\_\_\_\_, 20\_\_ establishing, among other items, that financing of energy improvement projects through assessments serves a valid public purpose; and

WHEREAS, it is deemed to be in the best interests of the [\_\_\_\_\_] to establish an energy improvement assessment clean energy program (“PACE Program”), subject to the terms and conditions set forth in the PACE Act; and

WHEREAS, the [\_\_\_\_\_] finds that the administration of the PACE Program by a qualified entity as an independent third-party program administrator contracted by [\_\_\_\_\_] (“Program Administrator”) will enable the program to be administered with little use of [\_\_\_\_\_] resources, and will otherwise be convenient and advantageous to [\_\_\_\_\_]; and

WHEREAS, pursuant to the terms of the PACE Act, \_\_\_\_\_ prepared a report with details regarding the PACE Program which was (a) made available for public inspection at the office of the Clerk and on the [\_\_\_\_\_]’s website, (c) approved in substantially final form as set forth in Ordinance No. \_\_\_\_\_, and adopted by the [GOVERNING BODY] of [\_\_\_\_\_] on \_\_\_\_\_, 20, a copy of which has been attached hereto for public discussion (“PACE Report”);

NOW THEREFORE, be it ordained by the [GOVERNING BODY] of [\_\_\_\_\_] that:

Section 1. Recitals. The recitals to this ordinance are true and correct and are incorporated into this ordinance for all purposes, including defining terms used in this ordinance.

Section 2. Establishment of Program. [\_\_\_\_\_] hereby establishes the [\_\_\_\_\_] Property Assessed Clean Energy Program, herein called the “PACE Program,” for purposes of financing,

through assessments, the installation or modification of permanent improvements (i) fixed to existing privately owned commercial or industrial property, and (ii) intended to reduce energy consumption or demand, energy costs, or emissions affecting local air quality. The PACE Program serves a valid public purpose and is convenient and advantageous to the [\_\_\_\_\_] and its residents.

Section 3. Program Administrator. [\_\_\_\_\_], on behalf of [\_\_\_\_\_], is hereby authorized to contract with a qualified entity to be the independent third-party Program Administrator. The Program Administrator will report directly to [name of local official], who administers the PACE Program on behalf of the [\_\_\_\_\_].

Section 4. PACE Program Area. To the extent permitted by law, the boundaries of the entire geographic area within the [\_\_\_\_\_]'s] jurisdiction are included in the boundaries of the geographical area where the PACE Program and assessments can occur.

Section 5. PACE Report. A substantially final form of the PACE Report has been attached to this ordinance, and is incorporated herein by reference. The PACE Report, in substantially final form, has been approved by this legislative body subject to appropriate insertions and revisions, and the same hereby is in all respects authorized, approved and confirmed.

Section 6. Effective Date. This ordinance shall become effective immediately upon its approval and adoption.

[ADD APPROPRIATE SIGNATURE LINES.]