

County of Kenosha

Board of Supervisors

Resolution No. ____

A RESOLUTION AUTHORIZING ENTRY INTO THE PACE (PROPERTY ASSESSED CLEAN ENERGY) COMMISSION

Original <u>X</u> Corrected <u> </u> 2 nd Correction <u> </u> Resubmitted <u> </u>			
Date Submitted: Date resubmitted:			
Submitted by: Finance/Administration Committee			
Fiscal Note Attached: <u> </u> Legal Note Attached: <u> </u>			
Prepared By: Joseph M. Cardamone III, Corporation Counsel and Barna Benc, Budget Director			

WHEREAS, pursuant to Wis. Stat. § 66.0301, two or more municipalities of the State of Wisconsin, may by contract create a commission for the joint exercise of any power or duty required or authorized by law; and

WHEREAS, Kenosha County is a “municipality” as that term is defined in Wis. Stat. § 66.0301 and a political subdivision located in the State; and

WHEREAS, Kenosha County is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare, which may be accomplished by various means; and

WHEREAS, Wis. Stat. § 66.0627(8) authorizes a city, a village, a town and a county in this State to, among other things, make a loan to or otherwise arrange, participate in or facilitate the financing of an energy improvement, a water efficiency improvement or a renewable resource application to a real property within its jurisdiction and to provide for such financing through the imposition of a special charge against the property benefitted by the energy or water efficiency improvement or renewable resource project; and

WHEREAS, such financings are commonly referred to as “Property Assessed Clean Energy” or “PACE” financings; and

WHEREAS, Kenosha County has determined that it is in the public interest to provide real property owners, lessees, lenders and other transaction parties in Kenosha County with access to a uniformly-administered program for PACE financing; and

WHEREAS, Kenosha County and other counties, with the support and counsel of the Wisconsin Counties Association, League of Wisconsin Municipalities, Green Tier Legacy Communities and other stakeholders, have studied the possibility of creating a commission pursuant to Wis. Stat. § 66.0301 to be known as the Wisconsin PACE Commission (“Commission”); and

WHEREAS, the Wisconsin PACE Commission would be formed and operated in accordance with a Joint Exercise of Powers Agreement Relating to Wisconsin PACE Commission (“Commission Agreement”) of which a substantially final draft is attached to this Resolution; and

WHEREAS, it is in Kenosha County’s best interests to join the Wisconsin PACE Commission and authorize the execution of the Commission Agreement; and

WHEREAS, in accordance with Wis. Stat. § 66.0627 and the provisions of the Commission Agreement, Kenosha County must adopt an Ordinance relating to the administration of PACE financings in Kenosha County and throughout the State (“PACE Ordinance”); and

WHEREAS, attached to this Resolution is the proposed ordinance which will be considered at the same meeting at which this Resolution is being considered (“PACE Ordinance”); and

WHEREAS, adoption of the PACE Ordinance is a necessary condition to Kenosha County entering into the Commission Agreement; and

WHEREAS, it is the intent of this Resolution to authorize Kenosha County to become a member of the Commission and authorize a duly-appointed representative of Kenosha County to finalize and execute the final Commission Agreement in substantially the form of the draft Commission Agreement attached to this Resolution;

THEREFORE, BE IT RESOLVED:

That the Kenosha County Board of Supervisors hereby approves the draft Commission Agreement, a copy of which is attached to this Resolution, and authorizes and directs the Kenosha County Executive to sign such document after receipt of preliminary approval from the other participating municipalities, approval from the Kenosha County official duly-appointed to approve the final form of the Commission Agreement and approval of the Kenosha County Corporation Counsel; and

BE IT FURTHER RESOLVED:

That the County Executive is hereby directed to act as Kenosha County’s official representative in relation to the final approval of the form of the Commission Agreement and to otherwise take all action necessary to effectuate the intent of this Resolution; and

AND BE IT FINALLY RESOLVED:

That the County Executive is hereby directed to designate a Kenosha County “Representative Director” of the Board of Directors of the Commission in accordance with the Commission Agreement, said “Representative Director” to be either the County Executive or a member of the County Board of Supervisors who shall serve at the pleasure of the County Executive.

All of which is respectfully submitted this _____ day of _____, 2017.

Approved by:

Finance and Administration Committee

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
_____ Terry Rose, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Ronald Frederick, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Daniel Esposito	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Greg Retzlaff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Rick Dodge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Jeffrey Gentz	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Edward Kubicki	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>