



CITY OF AMESBURY
IN THE YEAR TWO THOUSAND SEVENTEEN

SPONSORED BY: C. Kenneth Gray, Mayor BILL No. 2017- 090

At the meeting of the Amesbury City Council held on November 14, 2017 in the City Hall Auditorium the following action was taken:

An Ordinance Authorizing the City of Amesbury to Participate in the Massachusetts Commercial Property Assessed Clean Energy Program (PACE Massachusetts).

WHEREAS, pursuant to M.G.L. c. 23M (the “PACE Act”), the Commonwealth has established a commercial sustainable energy program known as the Massachusetts Property Assessed Clean Energy Program (“PACE Massachusetts”) to provide a financing mechanism (“**PACE financing**”) to private owners of commercial and industrial properties for certain qualifying commercial energy improvements (“improvements”); and

WHEREAS, pursuant to the PACE Act, PACE Massachusetts is administered by the Massachusetts Development Finance Agency (“MassDevelopment”), in consultation with the Massachusetts Department of Energy Resources; and

WHEREAS, under PACE Massachusetts, the owner of the commercial or industrial property benefitting from the improvements (the “benefitted property”) is required to repay the **PACE** financing through the payment of a betterment assessment (a “PACE betterment assessment”) placed on such benefitted property by the municipality in which the benefitted property is located; and

WHEREAS, in order for an owner of commercial or industrial property to participate in PACE Massachusetts, Section 2 of the PACE Act requires that the municipality in which such property is located must elect to participate in PACE Massachusetts; and

WHEREAS, the City of Amesbury (the “Municipality”) has determined that it is in the best interest of the Municipality to participate in PACE Massachusetts as a “participating municipality” as provided in the PACE Act to permit the owners of commercial and industrial properties located in the Municipality to access **PACE** financing for qualifying commercial energy improvements through PACE Massachusetts;

NOW THEREFORE, Be it Ordained by the City Council of the City of Amesbury assembled, and by the authority of the same, as follows:

The City Council of the City of Amesbury (the “Municipality” or the “City”), with the approval of the Mayor, hereby approves the Municipality participating in PACE Massachusetts pursuant to the PACE Act, and authorizes the Mayor to enter into **A PACE Massachusetts Municipal Assessment and Assignment Agreement (the Agreement)** with MassDevelopment pursuant to which the Municipality will agree to (i) levy PACE betterment assessments **and impose PACE betterment assessment liens** on benefitted properties located in the Municipality, in the amounts determined by MassDevelopment to be sufficient to repay **financing**, (ii) assign the PACE betterment **assessment** liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the **PACE** financing (each a “capital provider”), as collateral for **such**

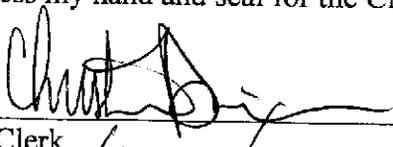
PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE Betterment assessment installment payment, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be in the form as the Mayor may approve as being in the best interest of the Municipality.

The Collector Treasurer of the City or such other City agency as may be designated in **the Agreement** is authorized to levy such PACE betterment assessments **and impose the PACE betterment assessment liens** on behalf of the City without further authorization by the City Council.

Notwithstanding any other provision of law to the contrary, officers and officials of the Municipality, including, without limitation, municipal tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in **the Agreement**, the Municipality has no liability to the owner of the benefitted property or to any capital provider related to **the Municipality's participation in PACE Massachusetts.**

Councilor Donna McClure moved to approve 2017-090 as amended. Councilor Steven Stanganelli seconded. A roll call vote was taken and it was unanimous (9 present).

Witness my hand and seal for the City of Amesbury this 16th day of November, 2017



City Clerk



Mayor

11/21/2017

Date

ATRUE COPY ATTEST

CLERK