

No. 09-18-RE

RESOLUTION

A Resolution of the Council of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the establishment of a County-wide Property Assessed Clean Energy Program (“C-PACE Program) pursuant to Act 30 of 2018; providing for standards and guidelines for the operation of a C-PACE Program within the County; authorizing the County to enter into a cooperation agreement with the Redevelopment Authority of Allegheny County for the administration of the County’s C-PACE Program; and authorizing the appropriate County officers and officials to create such documents and to such other action as they deem to be necessary and prudent to carry out the purposes of this Resolution.

Whereas, on June 12, 2018, Governor Wolf signed Senate Bill 234 into law as Act 30 of 2018, which is now codified at 12 Pa. C. S. A. § 4301 *et seq.* (hereinafter “Act 30”); and

Whereas, Act 30 authorized the establishment of a property assessed clean energy program or “C-PACE program in the Commonwealth of Pennsylvania to ensure that owners of agricultural, commercial and industrial land and buildings can obtain low-cost, long-term financing for energy efficiency, water conservation and renewable energy projects that is repaid through a charge against the owner’s real property within a district which is levied and collected by the county or municipality that establishes the district; and

Whereas, Section 4303 (1) of Act 30 specifically authorizes a county to establish its own C-PACE program within a defined district by adopting a Resolution or Ordinance and to provide standards and guidelines for the operation of a county C-PACE Program; and

Whereas, in compliance with Section 4303 (2) of Act 30, the County, through its Department of Economic Development, has provided written notice to every municipality within Allegheny County that the County, through action of its Council, intends to establish a C-PACE Program district consisting of the entirety of Allegheny County and to include every municipality within this C-PACE program district; and

Whereas, County Council is of the considered opinion that the establishment of a C-PACE program in Allegheny County in accordance with the legal authority granted by Act 30 will inure to the long-term benefit of the citizens of the County by providing a convenient and useful mechanism to encourage owners of agricultural, commercial and industrial land and buildings to invest in “clean energy projects,” which (1) replace or supplement an existing energy system that utilizes nonrenewable energy with an energy system that utilizes alternative energy; (2) facilitate the installation of an alternative energy system in an existing building or a major renovation of a building; (3) facilitate the retrofit of an existing building to meet high-performance building standards; and (4) install equipment to facilitate or improve energy

conservation or energy efficiency, including heating and cooling equipment and solar thermal equipment; “water conservation projects,” which reduce the usage of water or increase the efficiency of water usage; and “alternative energy projects” which promote the generation of energy from “alternative sources” as defined under Pennsylvania’s Alternative Energy Portfolio Standards Act, 73 P.S. § 1648.1 (2004); and

The Council of the County of Allegheny hereby resolves as follows:

SECTION 1. Incorporation of Preamble.

The provisions set forth in the preamble to this Resolution are incorporated by reference as set forth in their entirety herein.

SECTION 2. Establishment of A Property Assessed Clean Energy Program.

Acting pursuant to legal authority granted by Act 30, County Council hereby establishes a Property Assessed Clean Energy Program in Allegheny County. This Property Assessed Clean Energy Program shall be known as the “Allegheny County C-PACE Program.”

SECTION 3. Designation of the District for the Operation of the Allegheny County C-PACE Program.

County Council hereby designates the entirety of Allegheny County as the “District,” as this term is defined in Section 4302 of Act 30, for the operation of the Allegheny County C-PACE Program.

SECTION 4. Establishment of Standards and Guidelines for the Operation of the Allegheny County C-PACE Program.

A. The County Manager or his authorized representative or delegate is hereby authorized to develop, to promulgate and to periodically update operational standards and guidelines for the administration of the Allegheny County C-PACE Program in accordance with the requirements of Section 4303 (1) (i) – (iii) of Act 30.

B. The operational standards and guidelines for the Allegheny County C-PACE Program shall be based to the greatest extent feasibly possible upon the most recent edition of the Model Pennsylvania C-PACE Guidelines developed by the Sustainable Energy Fund, a 501 (c) nonprofit organization, Keystone Energy Efficiency Alliance, a trade association of businesses, nonprofits, and institutions working to advance energy efficiency and energy conservation in Pennsylvania, with the assistance of the City of Pittsburgh’s Office of Sustainability and the Philadelphia Energy Authority.

SECTION 5. Administration of the Allegheny County C-PACE Program by Cooperation Agreement.

As authorized by Section 4303 (2) of Act 30, the Redevelopment Authority of Allegheny County (RAAC) is hereby authorized to administer the Allegheny County C-PACE Program in accordance with the terms and conditions of a cooperation agreement negotiated by the authorized representative or delegate of the County Manager and approved by the County Manager (Cooperation Agreement). Consistent with the terms and conditions in the Cooperation Agreement, RAAC, in its discretion, may issue a request for proposals and enter into an agreement with a qualified entity or entities to provide any and all services necessary to administer the Allegheny County C-PACE Program.

SECTION 6. Authorization for Other Necessary Actions.

All appropriate County officers and officials, including but not limited to the County Manager and his authorized representative or delegate, are hereby authorized to create all necessary documents and to take any and all other actions as they deem to be necessary and prudent to facilitate the successful implementation of the Allegheny County C-PACE Program.

SECTION 7. Severability. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution, which shall be in full force and effect.

SECTION 8. Repealer. Any Resolution or Ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.

SECTION 9. Effective Date.

This Resolution shall enter into effect immediately upon its approval by the Chief Executive.

Enacted in Council, this 10th day of September, 2019

Council Agenda No. 11179-19


John DeFazio
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief Executive Office September 12, 2019

Approved: 
Rich Fitzgerald
Chief Executive

Attest: 
Sonya Dietz
Executive's Secretary

SUMMARY OF LEGISLATION

ESTABLISHMENT OF A COUNTY-WIDE PROPERTY ASSESSED CLEAN ENERGY PROGRAM TO BE KNOWN AS THE “ALLEGHENY COUNTY C-PACE PROGRAM – SUBMITTED FOR COUNCIL MEETING (INSERT DATE), 2019”

With the enactment of Act 30 of 2018, the Pennsylvania General Assembly authorized property assessed clean energy (or “C-PACE”) financing programs. C-PACE creates a financing tool for energy efficiency, renewable energy, and water conservation projects that result in consumption and cost savings for commercial, agricultural and industrial properties. C-PACE is voluntary and allows commercial, agricultural and industrial property owners to obtain financing for eligible projects, typically through capital providers, and to repay the financing through a special assessment added to the property tax for that property.

Act 30 authorizes counties in Pennsylvania to pass a resolution or ordinance to establish a C-PACE program and to designate a district for the operation of the county C-PACE Program.

The attached resolution would authorize the establishment of an Allegheny County C-PACE Program and create a county-wide district for the operation of the program. Additionally, the Resolution provides for the development, promulgation and periodic updating of operational standards and guidelines for the administration of the Allegheny County C-PACE Program consistent with the requirements of Section 4303 (1) (i) – (iii) of Act 30 and modeled after the Model Pennsylvania C-PACE Guidelines developed by the Sustainable Energy Fund, a 501 (c) nonprofit organization, Keystone Energy Efficiency Alliance, a trade association of businesses, nonprofits, and institutions working to advance energy efficiency and energy conservation in Pennsylvania, with the assistance of the City of Pittsburgh’s Office of Sustainability and the Philadelphia Energy Authority.

Finally, the resolution provides for the administration of the Allegheny County C-PACE Program by the County’s Redevelopment Authority pursuant to a cooperation agreement to be negotiated and approved by the County Manager.

M E M O R A N D U M
OFFICE OF THE COUNTY MANAGER

ALLEGHENY COUNTY COUNCIL RECEIVED
AUG 15 11:51:58

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: August 15, 2019

RE: Proposed Resolution

Attached is a Resolution of the Council of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the establishment of a County-wide Property Assessed Clean Energy Program (“C-PACE Program) pursuant to Act 30 of 2018; providing for standards and guidelines for the operation of a C-PACE Program within the County; authorizing the County to enter into a cooperation agreement with the Redevelopment Authority of Allegheny County for the administration of the County’s C-PACE Program; and authorizing the appropriate County officers and officials to create such documents and to such other action as they deem to be necessary and prudent to carry out the purposes of this Resolution.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.