

**COUNTY OF WASHTENAW  
STATE OF MICHIGAN**

**RESOLUTION OF INTENT TO ESTABLISH A PROPERTY ASSESSED CLEAN  
ENERGY PROGRAM AND CALLING PUBLIC HEARING**

Minutes of a regular meeting of the Board of Commissioners of the County of Washtenaw, Michigan (the "County"), held on the \_\_\_\_\_, at \_\_\_\_\_, prevailing Eastern Time.

PRESENT: Commissioners \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_  
\_\_\_\_\_

WHEREAS, the Washtenaw County Board of Commissioners intends to authorize the establishment of a property assessed clean energy program ("PACE Program") and create a PACE district pursuant to Act No. 270, Public Acts of Michigan, 2010 ("Act 270"), for the purpose of promoting the use of renewable energy systems and energy efficiency improvements by owners of certain real property; and

WHEREAS, the Board of Commissioners intends to find that financing energy projects is a valid public purpose because it reduces energy costs, reduces greenhouse gas emissions, stimulates economic development, improves property values and increases employment in the County; and

WHEREAS, the types of energy projects, either energy efficiency improvements or renewable energy systems, that may be financed under the PACE Program include, but are not limited to: insulation in walls, roofs, floors, foundations, or heating and cooling distribution systems; storm windows and doors; multi-glazed windows and doors; heat-absorbing or heat-reflective glazed and coated window and door systems; and additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption; automated energy control systems; heating, ventilating, or air-conditioning and distribution system modifications or replacements; caulking, weather-stripping, and air sealing; replacement or modification of lighting fixtures to reduce the energy use of the lighting system; energy recovery systems; day lighting systems; installation or upgrade of electrical wiring or outlets to charge a motor vehicle that is fully or partially powered by electricity; measures to reduce the usage of water or increase the efficiency of water usage; any other installation or modification of equipment, devices, or materials approved as a utility cost-savings measure by the Board of Commissioners; a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that use one or more renewable energy resources to generate electricity. Renewable energy resources include, but are not limited to: biomass (includes a biomass stove but does not include an incinerator or digester); solar and solar thermal energy; wind energy; geothermal energy and methane gas captured from a landfill; and

WHEREAS, the Board of Commissioners intends to create a PACE district having the same boundaries as the County's jurisdictional boundaries; and

WHEREAS, the Board of Commissioners intends to join Lean & Green Michigan™, and intends to utilize Levin Energy Partners, LLC as PACE administrator (the "PACE Administrator") to administer its PACE Program; and

WHEREAS, the Board of Commissioners intends to utilize Miller, Canfield, Paddock and Stone, P.L.C. ("PACE Counsel") as legal counsel to coordinate with the authorized official and the PACE Administrator in the review of each PACE project being considered for approval by the County to assure compliance with Act 270 and the PACE Program; and

WHEREAS, the report referenced in Section 9(1) of Act 270 (the "PACE Report") shall be available on the County's website at <http://www.ewashtenaw.org/>, and shall be available for viewing at the office of the County Clerk/Register of Deeds located at: 200 N. Main, Ann Arbor, Michigan 48107.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Commissioners, being fully apprised of the PACE Program, finds that financing energy projects is a valid public purpose because it reduces energy costs, reduces greenhouse gas emissions, stimulates economic development, improves property values and increases employment in the County.

2. The Board of Commissioners, by adoption of this Resolution, formally states its intention to establish a PACE district having the same boundaries as the County's jurisdictional boundaries and a PACE Program as described in and for the reasons set forth in this Resolution.

3. The Board of Commissioners formally states its intention to provide a property owner based method of financing and funds for energy projects, including from the sale of bonds or notes which shall not be a general obligation of the County, amounts advanced by the County from any other source permitted by law, or from owner-arranged financing from a commercial lender, which funds and financing shall be secured and repaid by assessments on the property benefited, with the agreement of the record owners, such that no County moneys, general County taxes or County credit of any kind whatsoever shall be pledged, committed or used in connection with any project as required by and subject to Act 270.

4. The Board of Commissioners, by adoption of this Resolution, formally states its intention to join Lean & Green Michigan™, and to utilize Levin Energy Partners, LLC as PACE Administrator.

5. The Board of Commissioners, by adoption of this Resolution, formally designates Miller, Canfield, Paddock and Stone, P.L.C. as legal counsel to coordinate with the authorized official and the PACE Administrator in the review of each PACE project being considered for approval by the County to assure compliance with Act 270 and the PACE Program. The

engagement of Miller, Canfield, Paddock and Stone, P.L.C., as PACE Counsel is approved notwithstanding Miller, Canfield, Paddock and Stone, P.L.C.'s representation from time to time of parties to PACE transactions in matters unrelated to the County's PACE transactions.

6. The Board of Commissioners hereby sets a public hearing for \_\_\_\_\_, at \_\_\_\_\_, in the Board of Commissioners office, 220 N. Main Street, Ann Arbor, Michigan 48107, to receive comments on the proposed PACE Program, including the PACE Report.

7. The County Clerk is authorized and directed to publish a notice of intent to establish a PACE district and a PACE Program, and a notice of the public hearing set by this Resolution in a newspaper of general circulation in the County as a display advertisement prominent in size. The County Clerk shall maintain on file for public review a copy of the PACE Report and shall cause the PACE Report to be available on the County's website in accordance with the requirements of Act 270.

8. All resolutions and parts of resolutions inconsistent with this Resolution are repealed to the extent of such inconsistency.

YEAS: Commissioners \_\_\_\_\_  
\_\_\_\_\_

NAYS: Commissioners \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Lawrence Kestenbaum  
County Clerk/Register of Deeds

I HEREBY CERTIFY that the attached is a true and complete copy of a resolution adopted by the Board of Commissioners of the County of Washtenaw, Michigan, at a regular meeting held on \_\_\_\_\_, 2013, at \_\_\_\_\_, prevailing Eastern Time, and that public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976 and that minutes of the meeting were kept and will be or have been made available as required by Act 267.

\_\_\_\_\_  
Lawrence Kestenbaum  
County Clerk/Register of Deeds

NOTICE OF PUBLIC HEARING

COUNTY OF WASHTENAW, STATE OF MICHIGAN

ON THE ESTABLISHMENT OF A PACE  
PROGRAM AND A PACE DISTRICT

TO ALL INTERESTED PERSONS IN WASHTENAW COUNTY:

PLEASE TAKE NOTICE that the Board of Commissioners, County of Washtenaw, State of Michigan, (the "County") will hold a public hearing on \_\_\_\_\_, at \_\_\_\_\_, in the Board of Commissioners office, 220 N. Main Street, Ann Arbor, Michigan 48107, to receive comments on the proposed Property Assessed Clean Energy ("PACE") program and the proposed PACE report.

TAKE FURTHER NOTICE that the Board of Commissioners intends to establish a PACE program and to establish a PACE district, having the same boundaries as the County's jurisdictional boundaries, pursuant to Act No. 270, Public Acts of Michigan, 2010 ("Act 270"), for the purposes of encouraging economic development, improving property valuation, increasing employment, reducing energy costs, reducing greenhouse gas emissions, and promoting the use of renewable energy systems and energy efficiency improvements.

TAKE FURTHER NOTICE that the PACE report, required by Section 9(1) of Act 270, is available on the County's website at <http://www.ewashtenaw.org>, and is available for viewing at the office of the County Clerk located at 200 N. Main, Ann Arbor, Michigan 48107.

THIS NOTICE is given by order of the Board of Commissioners of Washtenaw County, Michigan.

Lawrence Kestenbaum  
County Clerk/Register of Deeds

**COUNTY OF WASHTENAW  
STATE OF MICHIGAN**

**RESOLUTION APPROVING THE ESTABLISHMENT  
OF A PROPERTY ASSESSED CLEAN ENERGY PROGRAM**

Minutes of a regular meeting of the Board of Commissioners of Washtenaw County, Michigan (the "County"), held on the \_\_\_\_\_, at \_\_\_\_\_, prevailing Eastern Time.

PRESENT: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

WHEREAS, the Board of Commissioners of Washtenaw County, Michigan previously has adopted a Resolution of Intent to authorize the establishment of a property assessed clean energy program ("PACE Program") and create a PACE district pursuant to Act No. 270, Public Acts of Michigan, 2010 ("Act 270"), for the purpose of promoting the use of renewable energy systems and energy efficiency improvements by owners of certain real property; and

WHEREAS, the Board of Commissioners hereby finds that financing energy projects is a valid public purpose because it stimulates economic development, improves property values, reduces energy costs, reduces greenhouse gas emissions, and increases employment in the County; and

WHEREAS, the types of energy projects, either energy efficiency improvements or renewable energy systems, that may be financed under the PACE Program include, but are not limited to: insulation in walls, roofs, floors, foundations, or heating and cooling distribution systems; storm windows and doors; multi-glazed windows and doors; heat-absorbing or heat-reflective glazed and coated window and door systems; and additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption; automated energy control systems; heating, ventilating, or air-conditioning and distribution system modifications or replacements; caulking, weather-stripping, and air sealing; replacement or modification of lighting fixtures to reduce the energy use of the lighting system; energy recovery systems; day lighting systems; installation or upgrade of electrical wiring or outlets to charge a motor vehicle that is fully or partially powered by electricity; measures to reduce the usage of water or increase the efficiency of water usage; any other installation or modification of equipment, devices, or materials approved as a utility cost-savings measure by the Board of Commissioners; a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that use one or more renewable energy resources to generate electricity. Renewable energy resources include, but are not limited to: biomass (includes a biomass stove but does not include an incinerator or digester); solar and solar thermal energy; wind energy; geothermal energy and methane gas captured from a landfill; and

WHEREAS, the Board of Commissioners conducted a public hearing on \_\_\_\_\_, 2013, at \_\_\_\_\_, in the Board of Commissioners office, 220 N. Main Street, Ann Arbor, Michigan 48107, to receive comments on the proposed PACE Program, including the Report referenced in Section 9(1) of Act 270 (the "PACE Report"); and

WHEREAS, the Board of Commissioners intends to establish a PACE Program as described in the PACE Report, so as to provide a property owner based method of financing and funds for energy projects, including from the sale of bonds or notes which shall not be a general obligation of the County, amounts advanced by the County from any other source permitted by law, or from owner-arranged financing from a commercial lender, which funds and financing shall be secured and repaid by assessments on the property benefited, with the agreement of the record owners, such that no County moneys, general County taxes or County credit of any kind whatsoever shall be pledged, committed or used in connection with any project as required by, and subject to Act 270.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The PACE Program for the County is established and approved.
2. The PACE district, having the same boundaries as the County's jurisdictional boundaries, is established.
3. The PACE Program constitutes a valid public purpose because it stimulates economic development, improves property values, reduces energy costs, reduces greenhouse gas emissions, and increases employment in the County.
4. The PACE Report is incorporated herein in full by reference, and is approved and adopted.
5. The County formally joins Lean & Green Michigan™ and Levin Energy Partners, LLC is designated as PACE administrator to administer the PACE Program.
6. In accordance with the PACE Report, amendments to the PACE Program shall not require a public hearing, with the exception of amendments regarding property eligibility parameters found in paragraph 11 of the PACE Report.
7. In accordance with Act 270, an assessment imposed under the PACE Program, including any interest on the assessment and any penalty, shall constitute a lien against the property on which the assessment is imposed until the assessment, including any interest or penalty, is paid in full. The lien runs with the property and has the same priority and status as other property tax and assessment liens. The County has all rights in the case of delinquency in the payment of an assessment as it does with respect to delinquent property taxes. When the assessment, including any interest and penalty, is paid, the lien shall be removed from the property. The Chair of the Washtenaw County Board of Commissioners or their designee, are authorized and directed to execute and deliver any special assessment agreement, document or

certificate necessary or appropriate to create, establish and record an assessment under the PACE Program.

8. In accordance with Act 270, installments of assessments due under the PACE Program may be included in each summer and winter tax bill issued under the General Property Tax Act, 1893 PA 206, MCL 211.1 to 211.155 (“Act 206”), and may be collected at the same time and in the same manner as taxes collected under Act 206. Under owner-arranged financing, the County may impose an assessment and forward payments to the commercial lender or the record owner may pay the commercial lender directly. In all projects where the property owner will pay the installments of assessments through periodic payments to the County, the PACE special assessment agreement will provide for the County to be reimbursed for the actual costs of administering the billing and payment process.

9. The County may join with any other local unit of government, or with any person, or with any number or combination thereof, by contract or otherwise as may be permitted by law, for the implementation of the County’s PACE Program, in whole or in part, and the Chair of the Washtenaw County Board of Commissioners or their designee are authorized to execute and deliver such documents, agreements or certificates as may be necessary or advisable to permit the cooperative implementation of the PACE Program as provided by Act 270 or other applicable law.

10. The Chair of the Washtenaw County Board of Commissioners or their designee are authorized to sign necessary documents, agreements or certificates, and to take all other actions necessary or convenient to implement a PACE Program consistent with the PACE Report.

11. All resolutions and parts of resolutions inconsistent with this Resolution are repealed to the extent of such inconsistency.

YEAS: Commissioners \_\_\_\_\_  
\_\_\_\_\_

NAYS: Commissioners \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Lawrence Kestenbaum  
County Clerk/Register of Deeds

I HEREBY CERTIFY that the attached is a true and complete copy of a resolution adopted by the Board of Commissioners of the County of Washtenaw, Michigan, at a regular meeting held on \_\_\_\_\_, 2013, at \_\_\_\_\_, prevailing Eastern Time, and that public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976 and that minutes of the meeting were kept and will be or have been made available as required by Act 267.

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Lawrence Kestenbaum  
County Clerk/Register of Deeds

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