

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2016

COUNCIL BILL NO. CB16-0761
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance Concerning the Approval of a Participation Agreement between the Colorado New Energy Improvement District (the “District”) and the City and County of Denver (“Denver”) to authorize the District to Conduct its New Energy Improvement Program, called Colorado Commercial Property Assessed Clean Energy (C-PACE), within Denver.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

WHEREAS, C.R.S. §§ 32-20-101 *et seq.* establishes the Colorado New Energy Improvement District and provides for the creation of a new energy improvement program, which the District has named “C-PACE” or the Colorado Commercial Property Assessed Clean Energy program.

WHEREAS, pursuant to C.R.S. § 32-20-105(3), the District may only conduct the C-PACE program in the county if the board of county commissioners authorizes it do so by resolution.

WHEREAS, Denver wishes to authorize the District to conduct the C-PACE program in Denver and hereby finds and determines that the adoption of this Ordinance by City Council shall fulfill the statutory requirement to adopt a resolution as set forth in C.R.S. § 32-20-105(3).

WHEREAS, the District and Denver have agreed on the terms of the Colorado C-PACE NEID-County Participation Agreement in the form to be filed in the City Clerk’s office (the “Participation Agreement”).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. The proposed Participation Agreement between the City and County of Denver and Colorado New Energy Improvement District, in the words and figures contained and set forth in that form of Participation Agreement available in the office and on the web page of City Council, and to be filed in office of the Clerk and Recorder, Ex-Officio Clerk of the City and County of Denver, under City Clerk’s Filing No. 2016-0395 is hereby approved.

Section 2. The City Council, performing the duties of a board of county commissioners, hereby: (a) adopts the above recitations as findings of the City Council; (b) authorizes the City Attorney, in consultation with Manager of Finance and the Executive Director of the Office of Economic Development, to make such changes as may be needed to the Participation Agreement in order to correct any nonmaterial errors or language that do not materially increase the obligations of Denver; (c) authorizes the appropriate City officers to execute the Participation Agreement

1 following review and approval by the City Attorney; and (d) authorizes the Manager of Finance to
2 execute any and all other necessary letters, orders, or documents as may be required to facilitate
3 the successful implementation of the C-PACE program in Denver.

4 COMMITTEE APPROVAL DATE: September 13, 2016

5 MAYOR-COUNCIL DATE: September 20, 2016

6 PASSED BY THE COUNCIL: _____

7 _____ - PRESIDENT

8 APPROVED: _____ - MAYOR _____

9 ATTEST: _____ - CLERK AND RECORDER,
10 EX-OFFICIO CLERK OF THE
11 CITY AND COUNTY OF DENVER

12 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____

13 PREPARED BY: Jo Ann Weinstein, Assistant City Attorney DATE: September 22, 2016

14 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
15 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
16 ordinance. The proposed ordinance is submitted to the City Council for approval pursuant to § 3.2.6
17 of the Charter.

18 Denver City Attorney

19 BY: _____, Assistant City Attorney DATE: _____