

RESOLUTION 2024-52

A RESOLUTION DECLARING THE INTENT OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE TO CONSIDER THE ADOPTION OF A COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY AND RESILIENCY (“C-PACER”) PROGRAM.

WHEREAS, per Tenn. Code Ann. §§ 68-205-101 et seq., as amended (the “C-PACER Act”), the State Legislature granted local governments the authority to establish a commercial property assessed clean energy and resiliency (C-PACER) program that jurisdictions can voluntarily implement to ensure that free and willing owners of agricultural, commercial, and industrial properties and certain multi-family residential properties can obtain low-cost long-term financing; and

WHEREAS, the C-PACER Act allows this financing to be used for qualifying improvements, including energy efficiency, water conservation, renewable energy, and resiliency measures such as flood mitigation, stormwater management, wildfire and wind resistance, energy storage, microgrids, and fire suppression; and

WHEREAS, the C-PACER program authorized in the C-PACER Act promotes voluntary energy efficiency, energy conservation, and resiliency, and such improvements not only save money for building owners, but also support the reduction of energy consumption, support the production of clean, renewable energy, and reduce greenhouse gas emissions; and

WHEREAS, the Board of Mayor and Aldermen will consider the matter at a duly-advertised public hearing on September 10, 2024.

WHEREAS, the Board of Mayor and Aldermen believes it is in the best interest of the City of Franklin to adopt this resolution declaring intent to consider the adoption of the C-PACER program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. The financing of Qualified Projects as defined in the C-PACER Act through special assessments is a valid public purpose.

SECTION II. The City intends to authorize direct financing between property owners and capital providers as the means to finance Qualified Projects in accordance with the C-PACER Act and the terms of a Resolution to be adopted by the City establishing a C-PACER Program.

SECTION III. The City intends to authorize special assessments, entered into voluntarily by a property owner with the City by means of the written assessment contract, as the means to repay the financing for qualified projects available to property owners in accordance with the C-PACER Act and the terms of a Resolution to be adopted by the City establishing a C-PACER Program.

SECTION IV. Qualified Projects that may be subject to special assessments will be more particularly described in a separate Resolution to be adopted by the City establishing a C-PACER Program in accordance with the C-PACER Act.

SECTION V. The C-PACER Program shall be available to privately owned commercial, industrial, or agricultural real property or privately owned residential real property with five or more dwelling units, including property owned by nonprofit, charitable or religious organizations located in the industrial and commercial zoning districts of the City in accordance with the C-PACER Act and the terms of a Resolution to be adopted by the City establishing a C-PACER Program.

SECTION VI. The Program shall be available to all Eligible Property within the boundaries of the City of Franklin. A map of these boundaries is attached hereto as Exhibit A.

SECTION VII. The C-PACER Program shall be administered in accordance with the C-PACER Act and the terms of a Resolution to be adopted by the City establishing a C-PACER Program.

SECTION VIII. The debt-servicing procedures of either the City or a third-party delegate responsible for servicing the installment payments on the C-PACER financing will be described in a Resolution to be adopted by the City establishing a C-PACER Program in accordance with the C-PACER Act.

SECTION IX. A public hearing will be at City of Franklin's City Hall on September 10, 2024, at 5:00 p.m.

SECTION X. The appropriate local official for consultation about the collection of the proposed special assessments is the City Administrator. The Williamson County Trustee collects property taxes in Williamson County, however, because the capital provider will collect the special assessment as delegated by the City, the City Administrator should be consulted about the collection of the proposed special assessment on the assessed property.

SECTION XI. Severability. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, ordinance, or provisions shall not affect the remaining provisions of such Resolution.

SECTION XII. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

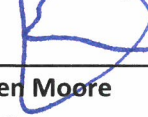
SECTION XIII. Effective Date. This Resolution shall take effect upon its adoption, the welfare of the Municipality requiring it.

IT IS SO RESOLVED AND DONE on this 10th day of September, 2024

ATTEST:

By: 
Angie Skarp
City Recorder

CITY OF FRANKLIN, TENNESSEE:

By: 
Dr. Ken Moore
Mayor

Approved as to Form:

By: 
J. Blake Harper
Staff Attorney

PUBLIC HEARING AND BOMA APPROVAL:

9/10/2024, 7-0

EXHIBIT A

