

To: Members of Dublin City Council

From: Dana L. McDaniel, City Manager

Date: November 4, 2020

Initiated By: Colleen Gilger, CECD, Director of Economic Development
Sara O'Malley, Economic Development Administrator

Re: Resolutions, Petition, and Ordinances for Property Assessed Clean Energy (PACE) Special Improvement for 600 Metro Place North

Background

The City of Dublin is focused on setting appropriate conditions to encourage investment and economic development. City Council continues to support the Economic Development Strategic Plan to ensure Dublin's office space remains competitive in the market. One particular tool the economic development team has brought to existing commercial building owners' attention is the use of the Property Assessed Clean Energy (PACE) program, a favorable financing tool for major energy efficiency improvements. This initiative directly relates to Strategy 1, Action 3 from the Economic Development Strategic Plan that identifies creating distinctive development nodes with vibrant physical space and focusing efforts to develop the Dublin Corporate Area/legacy office parks, as strategic goals.

PACE is a simple and effective way to finance energy efficiency and renewable energy building improvements. PACE can pay for qualifying improvements for almost any type of property including commercial, retail, industrial, nonprofit, and multi-family. Property owners across the United States are using PACE because it not only saves money, but makes these aging properties more valuable to its owners and communities.

Process

PACE allows qualifying energy improvements to be financed through special assessments on a property owner's real estate tax bill. A summary of PACE is provided as an attachment to this memo.

In order to satisfy this request, Dublin City Council must pass a series of two resolutions and three ordinances:

- The first resolution approves the property owner's petition to the City to levy the special assessments.
- The second resolution and two of the ordinances, provide for the steps set forth in the Ohio Revised Code for levying special assessments.
- The last ordinance approves the transaction documents.

This process, while detailed, follows the requirements of the Ohio Revised Code and the City's Charter. The City has no financial obligations with the establishment of a Special Improvement District or for any PACE project. The City simply serves as a pass-through entity for the project financing.

Project

The building ownership for 600 Metro Place North is requesting the use of PACE financing assessments totaling \$8,732,416.80 for the retrofit and conversion of a former Crowne Plaza hotel into a DoubleTree hotel by Hilton. Unlike previous PACE projects that have utilized Ohio Air Quality Development Authority financing (OAQDA), this project is utilizing a private capital provider, therefore, there are no impacts to existing or future property tax collections due to related parties (school district, township, etc.) and those parties remain whole. The special assessments that the property owner is requesting will be in addition to the property taxes that would otherwise be collected on the parcels.

The scope of work includes equipping the building with an energy efficient building envelope, LED lighting, high efficiency HVAC systems, and new plumbing fixtures that reduce the amount of energy necessary to heat water at the building.

Recommendation

Staff recommends Council approve Resolutions Nos. 67-20 and 68-20 on November 16, 2020 and Ordinances Nos. 48-20 through 50-20 on December 7, 2020. Please contact Sara O'Malley with any questions.



WHAT IS PACE?

Property Assessed Clean Energy (PACE) is a financing mechanism that enables low-cost, long-term funding for energy efficiency, renewable energy and water conservation projects. PACE financing is repaid as an assessment on the property's regular tax bill, and is processed the same way as other local public benefit assessments (sidewalks, sewers) have been for decades. Depending on local legislation, PACE can be used for commercial, nonprofit and residential properties.

HOW DOES IT WORK?

PACE is a national initiative, but programs are established locally and tailored to meet regional market needs. State legislation is passed that authorizes municipalities to establish PACE programs, and local governments have developed a variety of program models that have been successfully implemented. Regardless of model, there are several keystones that hold true for every PACE program.

- PACE is voluntary for all parties involved.
- PACE can cover 100% of a project's hard and soft costs.
- Long financing terms up to 20 years.
- Can be combined with utility, local and federal incentive programs.
- Energy projects are permanently affixed to a property.
- The PACE assessment is filed with the local municipality as a lien on the property.

WHY IS IT SO POPULAR?

Property owners love PACE because they can fund projects with no out-of-pocket costs. Since PACE financing terms extend to 20 years, it's possible to undertake deep, comprehensive retrofits that have meaningful energy savings and a significant impact on the bottom line. The annual energy savings for a PACE project usually exceeds the annual assessment payment, so property owners are cash flow positive immediately. That means there are increased dollars that can be spent on other capital projects, budgetary expenses, or business expansion.

Local governments love PACE because it's an Economic Development initiative that lowers the cost of doing business in their community. It encourages new business owners to invest in the area, and creates jobs using the local workforce. PACE projects also have a positive impact of air quality, creating healthier, more livable neighborhoods.

HOW CAN I GET PACE?

www.PACENation.us has all the tools and resources you need to get started with PACE. Check to see if your state has passed a PACE statute, and if your area has an active program. If not, contact us to find out if there is a local initiative in development and we may be able to put you in touch with a working coalition. We look forward to hearing from you!

BENEFITS OF PACE

**WORKFORCE
DEVELOPMENT:**
Creates local jobs

**ECONOMIC
DEVELOPMENT:**
Lowers cost of
doing business

BUILDING STOCK:
Maintained and
upgraded

BOTTOM LINE:
Directly impacts
local businesses

HEALTHY AIR:
Environmental
impact



PACENation is the national, nonprofit advocate for PACE financing. We provide leadership, data, support and resources for the growing marketplace.

www.pacenation.us
info@pacenow.org

RECORD OF ORDINANCES

Ordinance No. 48-20

Passed _____, _____

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, AND IMPROVEMENT OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF DUBLIN, OHIO IN COOPERATION WITH THE COLUMBUS REGIONAL ENERGY SPECIAL IMPROVEMENT DISTRICT (600 METRO PLACE NORTH, DUBLIN, OHIO PROJECT)

WHEREAS, the Council ("Council") of the City of Dublin, Ohio (the "City") duly adopted Resolution No. ____-20 on _____, 2020 (the "Resolution of Necessity"), (i) declaring the necessity of acquiring, constructing, improving, and installing energy efficiency improvements including, without limitation, building envelope improvements, LED lighting, HVAC system improvements, plumbing fixtures, and related improvements (the "Project," as more fully described in the Petition referenced in this Ordinance) located on real property owned by Dublin Witness, LLC (the "Owner") and identified by the County Auditor of Franklin County, Ohio as Parcel Numbers 273-001311-00 and 273-001704-00 within the City (the "Property", as more fully described in Exhibit A to the Petition); (ii) providing for the acquisition, construction, and improvement of the Project by the Owner, as set forth in the Owner's *Petition for Special Assessments for Special Energy Improvement Projects and Affidavit* (the "Petition"), including by levying and collecting special assessments to be assessed upon the Property (the "Special Assessments") in an amount sufficient to pay the costs of the Project, which is estimated to be \$8,732,416.80, including other related costs of financing the Project, which may include, without limitation, the payment of principal of and interest on nonprofit corporate obligations issued to pay the costs of the Project and other interest, financing, credit enhancement, and issuance expenses and ongoing trustee fees and Columbus Regional Energy Special Improvement District ("District") administrative fees and expenses; and (iii) determining that the Project will be treated as a special energy improvement project to be undertaken cooperatively by the City and the District; and

WHEREAS, the claims for damages alleged to result from, and objections to, the Project have been waived by one hundred percent (100%) of the Owners, and following notice of the adoption of the Resolution of Necessity which was personally delivered by the Clerk of Council to the Owner on _____, 2020, no claims for damages alleged to result from, or objections to, the Project have been filed within the times prescribed by Sections 727.15 and 727.18 of the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. Each capitalized term not otherwise defined in this Ordinance or by reference to another document shall have the meaning assigned to it in the Petition.

Section 2. This Council declares that its intention is to proceed or to cooperate with the District to proceed with the acquisition, construction, and improvement of the Project described in the Petition and the Resolution of Necessity. The Project shall be made in accordance with the provisions of the Resolution of Necessity and with the plans, specifications, profiles, and estimates of cost previously approved and now on file with the Director of Finance and the Clerk of Council.

Section 3. The Special Assessments to pay costs of the Project, which are estimated to be \$8,732,416.80, including any and all architectural, engineering, legal, insurance, consulting, energy auditing, planning, acquisition, installation, construction, surveying, testing, and inspection costs; the amount of any damages resulting from the Project and the interest on such damages; the reasonable costs incurred in connection with the preparation, levy and collection of the special assessments; the cost of purchasing and otherwise acquiring any real estate or interests in real estate; reasonable expenses of legal services; costs of labor and material; trustee fees and other financing costs incurred

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Ordinance No. _____

Passed _____, _____

in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other reasonable obligations issued or incurred to provide a loan or to secure an advance of funds to the Owner or otherwise to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued or incurred, including any credit enhancement fees, trustee fees, program administration fees, financing servicing fees, and reasonable District administrative fees and expenses; an amount to reflect interest on unpaid Special Assessments which shall be treated as part of the cost of the Project for which the Special Assessments are made at an interest rate which shall be determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds if notes or bonds had been issued by the District or another issuer of notes or bonds to pay the costs of the Project; together with all other necessary expenditures, shall be assessed against the Property in the manner and in the number of semi-annual installments provided in the Petition and the Resolution of Necessity. Each semi-annual Special Assessment payment represents the payment of a portion of any principal repayment and interest and administrative fees payable with respect to the Project. The Special Assessments shall be assessed against the Property commencing in tax year 2021 for collection in 2022 and shall continue through tax year 2044 for collection in 2045; provided, however, if the proceedings relating to the Special Assessments are completed at such time that the County Auditor of Franklin County, Ohio determines that collections shall not commence in 2022, then the collection schedule may be deferred by one year. In addition to the Special Assessments, the County Auditor of Franklin County, Ohio may impose a special assessment collection fee with respect to each semi-annual payment, which amount, if imposed, will be added to the Special Assessments by the County Auditor of Franklin County, Ohio.

Section 4. The estimated Special Assessments for costs of the Project prepared and filed in the office of the Clerk of Council and in the office of the Director of Finance, in accordance with the Resolution of Necessity, are adopted.

Section 5. In compliance with Ohio Revised Code Section 319.61, the Clerk of Council is directed to deliver a certified copy of this Ordinance to the County Auditor of Franklin County, Ohio within 15 days after the date of its passage.

Section 6. All contracts for the construction of the Project will be let in accordance with the Petition, the Program Plan, and the Supplemental Plan, and the costs of the Project shall be financed as provided in the Resolution of Necessity.

Section 7. Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Ohio Revised Code Section 121.22.

Section 8. Under Section 4.04 of the Charter of the City, this Ordinance is an Ordinance for improvements petitioned for by owners of the requisite majority (100%) of the front footage or the area of the property benefited and to be assessed and shall be in full force and effect immediately upon its passage.

[Signature Page Follows]

RECORD OF ORDINANCES

Ordinance No. 48-20

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Passed _____, _____

Signed:

Mayor – Presiding Officer

Attest:

Clerk of Council

Passed: _____, 2020

Effective: _____, 2020

CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing is a true copy of Ordinance No. ____-20 duly passed by the Council of the City of Dublin, Ohio on _____, 2020, and that a true copy of such Ordinance was certified to the County Auditor of Franklin County, Ohio within 15 days after its passage.

Clerk of the Council
City of Dublin, Ohio

RECEIPT OF COUNTY AUDITOR FOR
LEGISLATION DETERMINING TO
PROCEED WITH ACQUISITION, CONSTRUCTION,
AND IMPROVEMENT OF CERTAIN PUBLIC
IMPROVEMENTS IN THE CITY OF DUBLIN, OHIO
IN COOPERATION WITH THE COLUMBUS REGIONAL
ENERGY SPECIAL IMPROVEMENT DISTRICT

I, Michael Stinziano, the duly elected, qualified, and acting Auditor in and for Franklin County, Ohio hereby certify that a certified copy of Ordinance No. ____-20 duly passed by the Council of the City of Dublin, Ohio on _____, 2020, determining to proceed with the acquisition, construction, and improvement of certain public improvements in the City of Dublin, Ohio in cooperation with the Columbus Regional Energy Special Improvement District, was filed in this office on _____, 2020.

WITNESS my hand and official seal at Columbus, Ohio on _____, 2020.

[SEAL]

Auditor
Franklin County, Ohio