

1 CITY OF PINE BLUFF, ARKANSAS  
2 CITY COUNCIL

3  
4 ORDINANCE NO. 6673  
5

6 AN ORDINANCE TO CREAE A PROPERTY ASSESSED CLEAN ENERGY (PACE)  
7 DISTRICT COEXTENSIVE WITH THE BOUNDARIES OF THE CITY OF PINE  
8 BLUFF, ARKANSAS, NAMED THE PINE BLUFF ENERGY IMPROVEMENT  
9 DISTRICT; TO FACILITATE A PACE PROGRAM; AND FOR OTHER PURPOSES  
10

11 WHEREAS, PACE (Property Assessed Clean Energy) is an Act to create jobs, retain  
12 wealth, and grow the local economy by enabling property assessed clean energy financing; and

13 WHEREAS, the Act authorizes the establishment of energy improvement districts to fund  
14 loans for energy efficiency improvements, renewable energy projects and water conservation  
15 improvements on residential, commercial, industrial and other real properties at the request of the  
16 owner; and

17 WHEREAS, pursuant to the authority granted by Act 1074 of 2013 (codified as A.C.A. §§  
18 8-15-101 et seq.), the City of Pine Bluff may create an energy improvement district; and

19 WHEREAS, such districts are authorized to permit the creation and implementation of,  
20 among other things, a Property Assessed Clean Energy (PACE) Program under which a real  
21 property owner may finance an energy efficiency improvement, a renewable energy project, or a  
22 water conservation improvement for their property on a voluntary basis, with loan repayment tied to  
23 collection of real property taxes; and

24 WHEREAS, PACE aligns with the Go Forward Pine Bluff plan of creating an incentive  
25 package that uses tax exemptions, loan packages and discounted rent to attract investors and new  
26 resident, with the expectation these tools will boost new construction and encourage the purchase  
27 and rehabilitation of existing structures, and involving as supporting parties for this initiative local  
28 financial institutions and the Pine Bluff city government;

1           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE**  
2   **CITY OF PINE BLUFF, ARKANSAS:**

3           Section 1.   (a) District established. Pursuant to the authority granted the city under Act  
4   1074 of 2013 (codified as A.C.A. §§ 8-15-101 et seq.), there is established and created the Pine Bluff  
5   Energy Improvement District (the “District”),

6           (b) District boundaries. The boundaries of the District shall be coextensive with the  
7   corporate limits of the City of Pine Bluff, Arkansas (the “City”), and any alterations thereto, and the  
8   territory of any other agreeing and participating governmental entity, whether in or outside of  
9   Jefferson County, Arkansas, that may hereafter join the District.

10          (c) Authority. The District shall exercise all the authority and powers granted to such a  
11   District as provided in the Property Assessed Clean Energy (PACE) Act.

12          Section 2.   (a) Board of directors. The District shall be governed by a Board of  
13   Directors, consisting of seven (7) members, with one (1) member designated by the mayor, and the  
14   other six (6) members nominated by the mayor and confirmed by the city council.

15          (b) The members of the board subject to council confirmation shall a background,  
16   experience, and expertise in at least one (1) of the following fields:

- 17           1. Municipal finance, commercial banking or commercial lending;
- 18           2. Real estate development and commercial construction;
- 19           3. Legal services;
- 20           4. Architecture and/or professional engineering;
- 21           5. The advanced energy industry, including energy efficiency or “green building”  
22           contracting and consultation; and
- 23           6. Marketing, recruitment and community relations.



1 Due consideration shall be given knowledge, experience and relationships with local utility  
2 companies, lending or bonding institutions, and relevant trade and economic development groups  
3 and associations.

4 (c) Members of the board shall serve two (2) year terms.

5 Section 3. Additional participants. If additional governmental entities enter into an  
6 agreement with the City for participation in the District, the composition and terms of the members  
7 of the board of directors shall be subject to the agreement between the City and the other  
8 governmental entities.

9 Section 4. City liability for District. In the operation of the District's business, the District  
10 is legally and financially independent of the City, and no debt entered into by the District shall ever  
11 be construed as an obligation of the City or other participating governmental entity. The City shall  
12 not be liable, under any circumstances, for the acts or omissions of the District or a member of the  
13 District's Board of Directors.

14 Section 5. Provisions severable. The provisions of this Ordinance are declared to be  
15 severable. If a provision is declared unlawful, the remaining provisions hereof shall continue to be  
16 given effect.

17 Section 6. Publication. This Ordinance being of a general or permanent nature, the clerk  
18 will cause its publication as required by law.

19 Section 7. Emergency declared. The Arkansas General Assembly has found and  
20 determined that the programs authorized by Act 1074 of 2013 will create jobs; stimulate the  
21 economy; generate significant economic development through investment of loan proceeds in local  
22 communities; protect residents from escalating electricity costs produced from nonrenewable fuels;  
23 increase the value of real property with a district; improve air and water quality and conserve natural  
24 resources; attract manufacturing facilities and jobs to the state; and promote energy independence

1 and security for the state. It is further found that the negative financial impact to the city from the  
2 Covil-19 pandemic has created a great need for measures which will stimulate economic activity to  
3 generate needed tax revenues. Therefore, this Ordinance being necessary for the preservation of  
4 the public peace, safety, and welfare of the residents, an emergency is declared to exist and this  
5 Ordinance shall take effect immediately upon adoption.

6 PASSED AND APPROVED THIS 15TH DAY OF JUNE, 2020.

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8  
9 ATTEST:

10 *Rene Whiffler*  
11 CITY CLERK  
12  
13  
14

APPROVED:

*Shirley Washington*  
MAYOR

15  
16 APPROVED AS TO FORM:

17 *Joe Anderson*  
18 CITY ATTORNEY  
19  
20  
21  
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23  
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SPONSOR(S):

*Ben Brown Jr*  
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