

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 18, 2020 AGENDA

Subject:	Type:	Submitted By:
ORDINANCE AMENDMENT — PACE ORDINANCE No. 1359	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT PLANNER

SYNOPSIS

An ordinance has been prepared by the City Attorney to amend La Vista's PACE Ordinance No. 1359 to clarify language regarding the City's responsibility to notify the County in case of a delinquency in payment from the property owner to the third-party lender.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approve.

BACKGROUND

An ordinance has been prepared to consider an amendment to La Vista's PACE Ordinance No. 1359 to clarify the City's responsibilities listed in Section 5. The City Attorney has proposed the addition to Section 5, displayed in the attached redlined ordinance amendment, after discussions with a developer and lender potentially interested in utilizing PACE funding within the City of La Vista.

ORDINANCE NO.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE LA VISTA, NEBRASKA TO AMEND SECTION 5 OF ORDINANCE NO. 1359 (LA VISTA PROPERTY ASSESSED CLEAN ENERGY DISTRICT ORDINANCE); TO REPEAL SECTION 5 OF ORDINANCE NO. 1359 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION I. Amendment of Section 5. Section 5 of the Ordinance No. 1359 is hereby amended to read as follows:

Section 5. Liability of City Officials; Liability of City. That notwithstanding any other provision of law to the contrary, officers, officials, employees, or agents of the City, the District, or Sarpy County shall not be personally liable to any person or entity for any claims, liabilities, costs, or expenses, of whatever kind or nature, under, arising out of, or related to the City's or District's participation in the District's PACE Program or any PACE Financing, including, without limitation, claims for or related to uncollected PACE Assessments. Not in limitation of the foregoing, the City has no liability to a property owner or lender for or related to energy savings improvements or funding under a PACE Financing or Program, other than to remit PACE Assessments received in accordance with the Act or notify the County of a delinquency in payment pursuant to applicable law.

SECTION II. Repeal of Section 5 as Previously Enacted. Section 5 of Ordinance No. 1359 as previously enacted is hereby repealed.

SECTION III. Severability Clause. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IV. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 18TH DAY OF FEBRUARY, 2020.

CITY OF LA VISTA, NEBRASKA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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