

**RESOLUTION NO. 3411**

**INTRODUCED BY COUNCIL**

**A RESOLUTION CREATING AN ENERGY IMPROVEMENT DISTRICT FOR COMMERCIAL OR INDUSTRIAL REAL PROPERTY OWNERS TO PARTICIPATE IN THE SPARKS COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM; TOGETHER WITH OTHER MATTERS PROPERLY RELATED THERETO.**

**WHEREAS**, the City of Sparks (the City) is a political subdivision of the State of Nevada duly organized and operating as a city under the provisions of an act entitled “AN ACT incorporating the City of Sparks, in Washoe County, Nevada under a new charter, defining the boundaries thereof, and providing other matters properly relating thereto,” cited as Chapter 470, Statutes of Nevada 1975, and all laws amendatory thereof (the Charter); and

**WHEREAS**, NRS Chapter 271 enables a Nevada Municipality, without an election, to adopt a resolution whereby the Governing Body of the Municipality specifies the procedure for the creation and administration of a district, which may constitute the entire jurisdictional boundaries of the Municipality, with the purpose of financing one or more Qualifying Improvement Projects with willing owners of Qualifying Commercial or Industrial Real Property ("District"), a program generally known as a “Commercial Property Assessed Clean Energy Program” or “C-PACE Program”; and

**WHEREAS**, the City has created the Sparks Commercial Property Assessed Clean Energy (C-PACE) Program pursuant to Resolution 3410; and

**WHEREAS**, the Sparks City Council deems it necessary and desirable to create a district for the purposes of implementing the Sparks C-PACE Program to allow Qualifying Commercial and Industrial Property owners the benefits of financing one or more Energy Efficiency Projects, Renewable Energy Projects, Water Efficiency Improvement Projects or Resiliency Projects; and

**WHEREAS**, the City Council desires to authorize any qualifying applicant within the district to participate in the Sparks C-PACE Program;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SPARKS DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1**

**FINDING OF PUBLIC PURPOSE**

- 1.1 The City Council finds, pursuant to NRS 271.6315(1)(a), that the creation of an Energy Improvement District within the boundaries of the City serves the public purposes of resource conservation, reducing of emissions or increasing the resiliency of the community.

**SECTION 2**

**AUTHORIZATION OF AN ENERGY IMPROVEMENT DISTRICT**

- 2.1 The City Council hereby authorizes the creation of an Energy Improvement District (District) pursuant to NRS 271.6312(2), the ultimate boundaries which are the jurisdictional boundaries of the City in their entirety as described on Exhibit A attached hereto and incorporated herein by this reference; such boundaries may be amended from time-to-time as property annexes into the boundaries of the City without further action required by the Governing Body.

**SECTION 3**

**EXCLUSION FROM DISTRICT**

- 3.1 The City Council hereby excludes from the District, and deems to have disapproved from inclusion in the District, any and all real property (Tract) until such time as:
- A. The Property Owner of the Tract upon which a Qualified Improvement Project will be located enters into an Assessment Agreement with the City pursuant to Resolution 3410;
  - B. The amount of the Assessment and Assessment Lien that will be placed on the Tract for the Qualified Improvement Project, if used for retrofitting an existing structure, does not exceed 25% of the fair market value of the property assessed;
  - C. The amount of the Assessment and Assessment Lien that will be placed on the Tract for a Qualified Improvement Project, if used for new construction or a gut rehabilitation, does not exceed 35% of the fair market value of the property assessed;

- D. The outstanding amount owed on all Recorded instruments which are liens against the Tract, including the Assessment and Assessment Lien, will not exceed 90% of the estimated fair market value of the property assessed; and
- E. Any Lender who, as of the date of the Recording of the Notice of Assessment and Assessment Lien, holds a lien on the Tract on which the Qualified Improvement Project will be located, consents in writing to the levy of an Assessment and Assessment Lien against the Tract to secure the repayment of the Financing, which shall be in Recordable form and be binding on the holder of the lien who signs the consent, together with its successors and assigns.

#### **SECTION 4**

##### **AUTHORITY, REPEALER, VALIDITY & EFFECTIVE DATE**

- 4.1 **AUTHORITY.** The officers of the City are hereby authorized to take all action necessary to effectuate the provisions of this resolution.
- 4.2 **REPEALER.** All bylaws, orders and resolutions, or parts thereof, in conflict with this resolution, are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution, or part thereof, previously repealed.
- 4.3 **VALIDITY.** If any section, paragraph, clause, or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.
- 4.4 **EFFECTIVE DATE.** The City Council has determined and does hereby declare that this resolution shall be in effect upon its passage in accordance with law.

**PASSED AND ADOPTED** on this 9th day of January, 2023 by the following vote of the City Council:

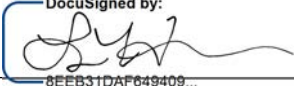
**AYES** Abbott, VanderWell, Anderson, Bybee  
**NAYS** \_\_\_\_\_  
**ABSENT** Dahir  
**ABSTAIN** \_\_\_\_\_

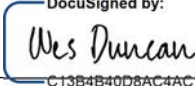
**APPROVED** this 19th day of January, 2023.

DocuSigned by:  
Ed Lawson  
2FE0422E72AA4D1...  
Ed Lawson  
Mayor

ATTEST:

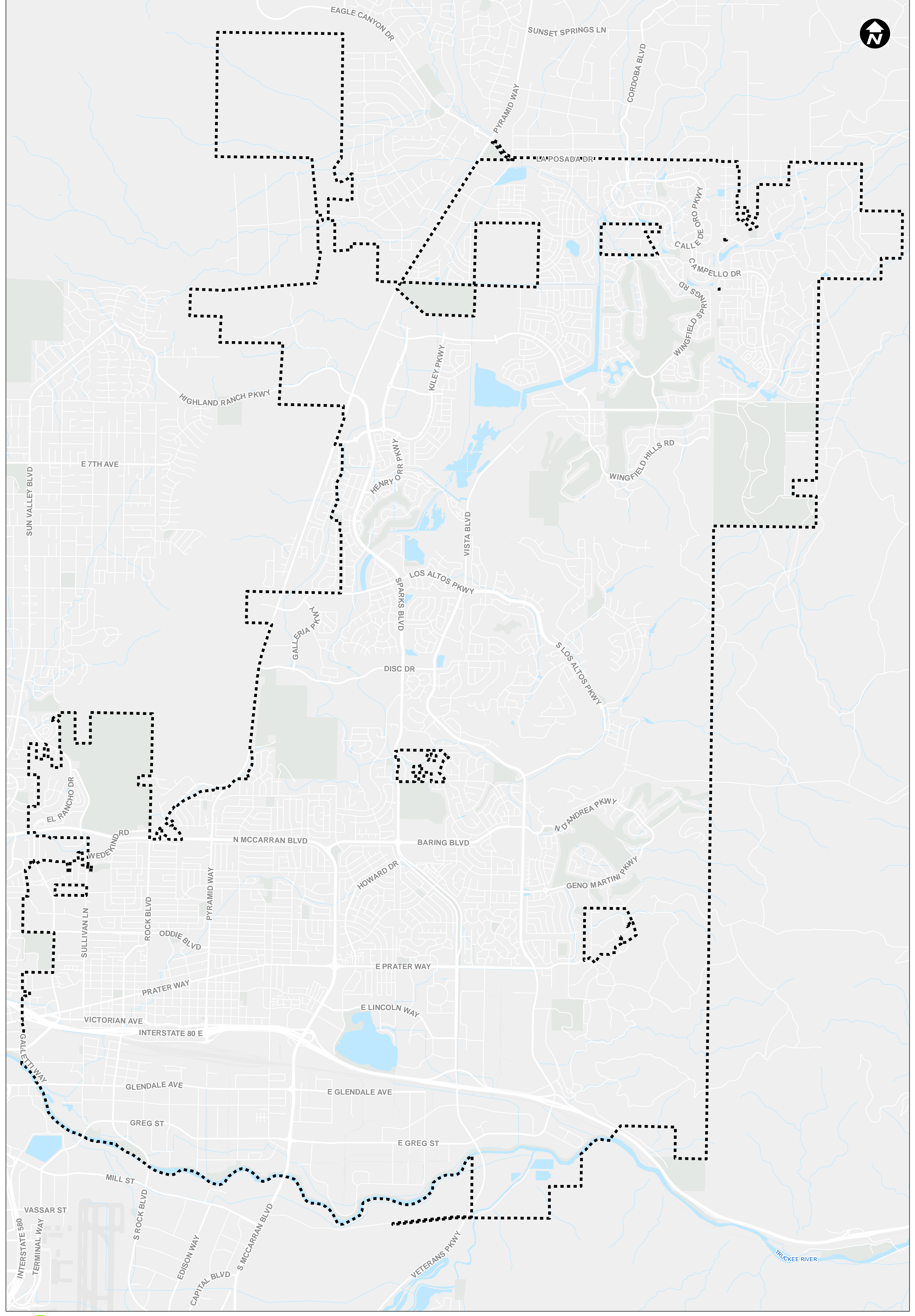
APPROVED AS TO FORM AND LEGALITY:

By:   
8EE831DAF649409...  
Lisa Hunderman  
City Clerk

By:   
C13B4B40D8AC4AC...  
Wes Duncan  
City Attorney

**EXHIBIT A**

(Attach District Boundary)



**Exhibit A to Resolution 3411  
Energy Improvement District Boundary**

**Note:**  
Per Resolution 3411 the boundary of the Energy Improvement District is the jurisdictional boundary of the City of Sparks.

 Jurisdictional Boundary