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OFFICE OF THE MAYOR
CITY OF CHICAGO

BRANDON JOHNSON
MAYOR

June 21, 2023

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith an ordinance authorizing the execution of an amendment to the Administrator's Contract for the Property Assessed Clean Energy Program.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to be "BJ", with a horizontal line extending to the right.

Mayor

ORDINANCE

WHEREAS, the City of Chicago, Illinois (the “City”), a municipal corporation and home rule unit of local government of the State of Illinois authorized pursuant to the Property Assessed Clean Energy Act (50 ILCS 50/1 et seq.) (as amended, supplemented, modified or replaced, the “PACE Act”) to establish a property assessed clean energy program (the “PACE Program”), to finance energy projects (as defined in the Act), to create a PACE area (as defined in the Act) and contract with a program administrator (as defined in the Act) to assist it in developing, launching, and operating a PACE Program pursuant to the Act; and

WHEREAS, the financing of energy projects is a valid public purpose and the City desires to establish a PACE area and PACE Program pursuant to the Act in order to finance energy projects; and

WHEREAS, pursuant to an ordinance adopted by the City Council of the City on July 25, 2018, appearing in the Journal of Council Proceedings for such date at p 81610, the Commissioner of the Department of Planning and Development (“DPD”), or a designee of such Commissioner was authorized to execute an agreement with the program administrator to assist the City with the development and operation of a Pace Program, and Loop-Counterpointe Pace LLC was designated as the program administrator (the “Administrator”) to assist the City in developing a PACE Program;

WHEREAS, pursuant to the authority granted, DPD entered into a contract with Loop-Counterpointe Pace LLC to assist the City with the development and operation of the PACE Program on August 17, 2018 (the “Agreement”), for three years with a two year extension option;

Whereas, pursuant to the Agreement, the City extended the Agreement for a two year period beginning on August 15, 2021; and

WHEREAS, the PACE program is continuing and the City wishes Loop-Counterpointe Pace LLC to continue to perform as the Administrator and assist with the operation of the PACE program and to extend the term of the Agreement for an additional three years to end on August 15, 2026, with a two year extension option, on the same terms and conditions of the Agreement;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Incorporation of recitals; definitions. The above recitals are expressly incorporated in and made a part of this ordinance as though fully set forth herein.

SECTION 2. The Commissioner of DPD or her designee (each, an “Authorized Officer”) is authorized to extend this agreement for three years to end on August 15, 2026 with a two year extension option on the same terms and conditions of the Agreement. Each Authorized Officer, for and on behalf of the City shall be, and each of them hereby is, authorized and directed to do

any and all things necessary to effect the performance of all obligations of the City under and pursuant to this ordinance and is hereby further authorized, empowered and directed for and on behalf of the City, to execute and deliver all papers, documents, certificates and other instruments that may be required to carry out the authority conferred by this ordinance or to evidence said authority.

SECTION 3. To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code of Chicago (the "Municipal Code"), or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance. No provision of the Municipal Code or violation of any provision of the Municipal Code shall be deemed to render voidable at the option of the City any document, instrument or agreement authorized under this ordinance or to impair the validity of this ordinance or the instruments authorized by this ordinance; provided further that the foregoing shall not be deemed to affect the availability of any other remedy or penalty for any violation of any provision of the Municipal Code.

SECTION 4. This ordinance shall be in full force and effect upon its passage and approval.