

ORDINANCE NO. **BG2025 - 15**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 11
(FINANCE, TAXATION AND ECONOMIC
DEVELOPMENT) OF THE CITY OF BOWLING
GREEN CODE OF ORDINANCES

WHEREAS, from time to time it is necessary to review and revise language in the City's Code of Ordinances to keep it relevant and current; and,

WHEREAS, staff conducted such a review of Chapter 11 (Finance, Taxation and Economic Development) of the City of Bowling Green Code of Ordinances; and,

WHEREAS, several amendments have been recommended and are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 11 (Finance, Taxation and Economic Development) of the City of Bowling Green Code of Ordinance is hereby amended as follows:

11-1 GENERAL PROVISIONS.

11-1.01 Fiscal Year Designated.

The fiscal year of the City shall be from July 1 to June 30 of each year.

11-1.02 Investments.

The Chief Financial Officer is authorized to arrange for the investment of the inactive reserve funds of the City and such funds as are not required for current operations in direct obligations of the United States, guaranteed by the government of the United States certificates of deposit insured by the Federal Deposit Insurance Corporation (FDIC), and any other financial instruments permitted under Kentucky Revised Statutes. Provided, however, this authorization shall not be applicable to any funds, the investment of which is expressly authorized or limited or prohibited by State law.

11-1.03 Procurement Procedures.

a. Adoption of State Model Procurement Code. The City shall adhere to the provisions of the Kentucky Model Procurement Code, KRS 45A.345 through KRS 45A.460 in all its procurement policies, procedures and practices.

b. Small Purchases. The City Manager shall cause to be prepared written purchasing procedures to be followed with respect to all purchases, services and construction defined as small purchases under KRS 45A.385.

c. The City Manager Authorized to Perform Procurement Function. The City Manager or designee is authorized to perform the procurement function and execute written determinations whenever necessary to support the use of procurement methods available under KRS 45A.345 through KRS 45A.460 and file same with the Procurement Manager [~~Purchasing Agent~~].

d. Procurement Manager [~~Purchasing Agent~~] Authorized to Prescribe Forms. The Procurement Manager [~~Purchasing Agent~~] is authorized to prescribe the issuance of forms and to adopt and promulgate rules and regulations consistent with the Kentucky Model Procurement Code, KRS 45A.345 through KRS 45A.460, subject to the consent and approval of the City Manager.

e. All purchases involving the construction, reconstruction, renovation and related work on City buildings and infrastructure shall require the contractor to warrant this work for a minimum of one (1) year following the acceptance of the work by the City. The Public Works Director, or [his] designee, shall inspect the work prior to the expiration of the one (1) year period and shall notify the contractor in writing of deficiencies in the work discovered during the warranty period and the contractor shall remedy those deficiencies within the time specified by the Public Works Director, or [his] designee, even if the period necessary to correct the deficiencies occurs beyond the warranty period. If the deficiencies are not remedied timely and to the satisfaction of the Public Works Director, or [his] designee, the Public Works Director, or [his] designee, may cause the deficiencies to be

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corrected and pursue all appropriate causes of action against the contractor to recover the City's costs. In addition, failure of the contractor to remedy the deficiencies timely and to the City's satisfaction may result in the removal of the contractor from future bidding on City projects.

11-1.04 Returned Checks.

Any person, firm or corporation who presents to the City a check, draft or similar sight order for which payment is refused by the drawee, and who receives a certified letter from the City notifying them of said refusal, as required by KRS 514.040(4)(b), shall ~~[pay to]~~ reimburse the City ~~[an additional returned check charge of twenty-five (\$25.00) dollars]~~ for any returned check charge. The City's Chief Financial Officer shall establish procedures to protect the City from uncollected revenues that include probation for repeat offenders for two (2) returned checks within the most recent fifteen (15) month period.

11-1.05 Limitation on Special Reserve Fund Expenditures.

No withdrawal, disbursement or expenditure shall be made from any of the special reserve funds created by ordinance within the City's general accounting system for any purpose other than for the special purpose for which the respective reserve funds were created, unless first approved by a majority of the Board of Commissioners by Municipal Order, the sole and singular subject of which is the approval of said withdrawal, disbursement or expenditure. Any Municipal Order presented to the Board of Commissioners for such purposes shall state the amount of said withdrawal, disbursement or expenditure and the purpose for which said withdrawal, disbursement or expenditure is to be spent.

11-1.06 Parks Development Fund.

a. There is hereby created a special revenue fund within the City's general accounting system entitled "Parks Development Fund" which shall be funded by the following:

(1) All ad valorem tax receipts, as prescribed hereinbelow, from properties located within the Hartland Planned Community;

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(2) All employee withholding fees, as prescribed hereinbelow, derived from employees of businesses permanently located within the Hartland Planned Community;

(3) All net profit fees, as prescribed hereinbelow, for businesses which are permanently located within the Hartland Planned Community; and,

(4) Any other funds which may be so appropriated.

b. All disbursements from said Parks Development Fund shall be used solely and only to provide a funding source for:

(1) The construction, repair, maintenance and/or operations of the golf and aquatics programs [~~CrossWinds Golf Course~~]; and

(2) Capital projects relating to recreational facilities, physical plant and grounds of the Department of Parks and Recreation.

~~[e. No disbursements shall be made from said Parks Development Fund that are not in accordance with an approved and/or amended budget appropriation.]~~

11-1.07 Cemetery Operations.

a. Revenues derived from all service charges at the Fairview Cemetery, both old and new portions, the Mt. Moriah Cemetery and the Pioneer Cemetery shall be deposited into the General Fund by the Cemetery Division in the Parks and Recreation Department.

b. Eighty percent (80%) of the income from the sale of lots in Fairview Cemetery, both old and new portions, shall remain in the General Fund to be used for Cemetery Division operations. The remaining twenty percent (20%) is to be placed into the Cemetery Perpetual Fund pursuant to Chapter 8 (Cemeteries) of the City of Bowling Green Code of Ordinances.

11-2 BUDGET.

11-2.01 City Manager to Submit.

The City Manager shall prepare and submit, once each year, to the Board of

Commissioners a budget for the ensuing fiscal year. The Board of Commissioners shall set a time and place for a public meeting on the proposed budget; and ~~[the budget shall not be adopted until the public meeting is held. The Board of Commissioners]~~ shall ~~[thereupon]~~ pass an annual appropriation ordinance based on the budget submitted by the City Manager.

11-3 ASSESSMENTS AND LEVY OF TAXES.

11-3.01 County Assessment System Adopted.

The annual County tax assessment for property situated within the corporate limits of the City is adopted as a basis for ad valorem tax levies ordered or approved by the Board of Commissioners, commencing on July 1, 1966, and each July 1 thereafter. The County tax assessment as finally determined for City tax properties as of the preceding January 1 shall serve as a basis of all City levies for the fiscal year commencing after the County assessment date.

11-3.02 Rate of Taxation to be Established by Board.

Upon receipt of a certified copy of the City's assessment from the Warren County Property Valuation Administrator (PVA), the Board of Commissioners shall then proceed to fix the rate of taxation, due dates, and penalty and interest rates. ~~[In addition to the penalties fixed by the Board of Commissioners, the Chief Financial Officer is hereby authorized to establish by regulation additional penalties and fees to recover legal fees and costs in the collection of past due ad valorem taxes. The City Attorney and Chief Financial Officer are hereby authorized to enter into installment payment agreements with taxpayers.]~~

11-3.03 Chief Financial Officer to Prepare Record of Tax Receipts.

After a certified copy of the County assessment roll which relates to the City has been accepted by the Board of Commissioners and the rate of taxation fixed for the year, the Chief Financial Officer shall prepare the property tax assessment roll for each person and property assessed, stating therein the name of the person owing the tax, the amount thereof and the year for which the tax is due.

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11-3.04 The Chief Financial Officer's Duties.

The Chief Financial Officer shall account for taxes collected by the City and to the Bowling Green Independent School Board for all school taxes collected, without withholding any part of same or making any deduction therefrom, whether the same be taxes, penalties, interest or cost, and the Chief Financial Officer shall thereupon deposit such funds showing separately the amount of taxes, penalties, interest and cost so paid.

11-3.05 Chief Financial Officer's Duty to Report Property Omitted from Roll.

It shall be the duty of the Chief Financial Officer to list for taxation any and all property that may be omitted by the County assessment roll provided by Section 11-3.02 and shall enter same in the volume of tax receipts as provided hereinabove.

11-4 PROPERTY ASSESSMENT AND REASSESSMENT MORATORIUMS.

11-4.01 Program Established.

There is hereby established a program for the granting of property assessment or reassessment moratoriums for qualifying residential buildings or commercial facilities located in the City. To be eligible, a residential building shall be any structure which is at least fifty (50) years old, and the use of which is to provide [~~independent~~] living facilities for one or more persons. To be eligible, a commercial facility shall be any structure at least fifty (50) years old, the primary purpose and use of which is the operation of a commercial business enterprise.

11-4.02 Administering Agency.

The administering agency for this moratorium program shall be the Historic Preservation Board of the City-County Planning Commission, a designee of the City.

11-4.03 Duration of Moratorium.

All moratoriums shall be for a period of five (5) years, and each shall become effective on the assessment date next following the issuance of the moratorium certificate.

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11-4.04 Application for a Moratorium Certificate.

Applications for a property assessment or reassessment moratorium certificate shall be made to the administering agency as follows:

a. The application shall be on a form prescribed by the Kentucky Department of Revenue and shall be filed in the manner prescribed by the administering agency.

b. The application shall be filed with the administering agency not less than thirty (30) days prior to commencement of restoration, repair, rehabilitation, or stabilization of the eligible property.

c. The application shall contain or be accompanied by the following information:

1. A general description of the property, including documentation and proof of the age of the building satisfactory to the administering agency;

2. A general description of the proposed use of the property;

3. The general nature and extent of the restoration, repair, rehabilitation or stabilization to be undertaken;

4. A time schedule for undertaking and completing the project; and

5. If the property is a commercial facility, the application shall, in addition, be accompanied by a descriptive list of the fixed building equipment which will be a part of the facility and a statement of the economic advantages expected from the moratorium, including expected construction employment.

d. The administering agency may impose an application fee to cover the costs of administration.

11-4.05 Assessment for Tax Purposes.

Except as otherwise provided, the Property Valuation Administrator (PVA), or other assessing official, and the administering agency shall maintain a record of all applications for property

assessment or reassessment moratoriums and shall assess or reassess the property within thirty (30) days of receipt of the application. This assessment shall be the value for which taxes shall be fixed during the period of the moratorium, unless otherwise provided herein.

11-4.06 Completion of Improvements; Extensions.

The applicant shall have two (2) years in which to complete the improvement unless granted an extension by the administering agency. In no case shall the application be extended beyond two (2) additional years. This provision shall not preclude normal reassessment of the subject property.

11-4.07 Purgation of Files.

Any application for an assessment or reassessment moratorium not acted upon by the applicant shall become void two (2) years from the date of application and shall be purged from the files of the administering agency. The administering agency shall so notify the Property Valuation Administrator (PVA).

11-4.08 Assessment Following Termination of Moratorium.

On the assessment date next following the expiration, cancellation or revocation of an assessment or reassessment moratorium, property shall be assessed on the basis of its full fair cash value.

11-4.09 Issuance of Moratorium Certificate.

The applicant shall notify the administering agency when the project is complete and the administering agency shall then conduct an on-site inspection of the property for purposes of verifying the improvements. The administering agency shall issue a moratorium certificate only if all provisions of this Subchapter ~~[Section]~~ and the Kentucky Revised Statutes are satisfied and the project is completed and the improvements verified. ~~[Within ten days of the]~~ Upon issuance of a moratorium certificate, the administering agency shall ~~[file a certified true]~~ submit a copy ~~[of it]~~ with the City of

Bowling Green City Finance Department.

11-4.10 Assignment of Moratorium Certificates.

An assessment or reassessment moratorium certificate may be transferred or assigned by the holder of the certificate to a new owner or lessee of the property.

11-4.11 Subsequent Moratorium Certifications.

Any property granted an assessment or reassessment moratorium may be eligible for a subsequent moratorium certification provided that reapplication is made not sooner than three (3) years following the expiration of the original moratorium, or any other moratorium, and provided that such property shall otherwise meet the requirements for the assessment or reassessment moratorium.

11-4.12 Definitions.

The definitions for interpreting this Subchapter shall be those set forth in KRS 99.595.

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11-9 PROCEDURES FOR ACCEPTING DONATIONS AND GIFTS.

11-9.01 Acceptance of Donations and Gifts.

The City Manager, or [his] designee, is authorized to accept donations and gifts in the form of personal property on behalf of the City with a value of five thousand (\$5,000) dollars or less. Any donation to the City or A BETTER BGKY INC., a non-profit corporation, of real property of any value or of personal property with a value greater than five thousand (\$5,000) dollars shall be accepted by the City pursuant to a municipal order approved by the Board of Commissioners. The City Manager shall periodically notify the Board of Commissioners of donations and gifts with a value of five thousand (\$5,000) dollars or less and shall note the specific purpose, if any, for the donation or gift. Any boards, commissions or agencies created by the City of Bowling Green that are the recipient of donations or gifts may accept such donations or gifts without Board of Commissioners or City Manager approval, but such donations and gifts shall periodically be reported to the Board of

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Commissioners, noting the specific purpose, if any, for the donation or gift.

11-9.02 Use of Donations or Gifts.

Any cash donations or gifts accepted by the City shall be deposited with the Finance Department. The Finance Department shall record any funds donated for a specific purpose in the proper revenue account to be appropriated in the budget solely for the specified purpose and directly related administrative expenses. If no specific purpose is designated, the Finance Department shall deposit such donations or gifts in the General Fund to be used for purposes designated by the Board of Commissioners. If the donation or gift is in the form of stock, bonds or other intangible or tangible personal property or in the form of real estate, the City Manager is authorized to use the gift for its intended purpose or to sell and convert to cash such items and to use the proceeds as set out in this Section.

11-9.03 Duties of City Officials and Employees.

Any City official or employee who is the recipient of any donation or gift on behalf of the City shall notify the City Manager and the City Manager or the Board of Commissioners shall accept the donation or gift as set out in this Subchapter.

11-10 TAX INCREMENT FINANCING DEVELOPMENT AREA – WKU
GATEWAY TO DOWNTOWN BOWLING GREEN.

11-10.01 Preamble.

a. For several years, the City has been involved in redevelopment efforts in the downtown, historic portion of the City, including the area around Western Kentucky University (also referred to as Western or WKU herein). Such redevelopment efforts would provide and carry out the following public purposes: (i) the enhancement of economic development and economic growth within the downtown area of the City, including the area around Western Kentucky University, (ii) the inducement of business and residential growth within the downtown area of the City, including the

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area around Western Kentucky University and (iii) the enhancement of the tax base of the City and the creation of employment opportunities for the residents [~~eitizens~~] of the City.

b. The City by virtue of the provisions of KRS 65.7041 to 65.7083 (the “Act”) is authorized to, among other things: 1) establish a development area to encourage reinvestment in and development and reuse of areas of the City, 2) enter into agreements in connection with the establishment and development of the development area, 3) establish a special fund for deposit of incremental revenues resulting from the development of the development area, and 4) designate an agency to oversee, administer and implement projects within the development area. The Act further authorizes the City of Bowling Green and Warren County to create development areas and to enter into contracts and grant agreements as set out in the Kentucky Increment Financing Act for the release of incremental revenues created in such development areas to nonprofit corporations established pursuant to KRS Chapter 58. In order to finance the Project, Warren County has heretofore caused to be created the Warren County Downtown Economic Development Authority, Inc. (“Authority”), a nonprofit, non-stock corporation which is a corporation created pursuant to KRS Chapter 58 as its agency, instrumentality and constituted authority for the purpose of issuing Increment Bonds to finance portions of the Project (as further defined hereinbelow) and performing other functions to implement the Project. The City has previously designated the Authority as the agency with the duties and responsibilities for the oversight, administration and the implementation of the Development Area Ordinance (as further defined hereinbelow) on behalf of the City.

11-10.02 Approval of Public Project; Implementation of Project.

A public project consisting of the WKU Gateway to Downtown Bowling Green Tax Increment Financing Development Area (the “Project”) is hereby officially approved, adopted and confirmed. The Project is a public project within the meaning of KRS Chapter 58 and it has previously been found and determined that the Project is necessary and will perform essential governmental

functions.

11-10.03 Creation of WKU Gateway to Downtown Bowling Green Tax Increment Financing (TIF) Development Area.

a. Pursuant to the Act, a tax increment financing development area is hereby officially designated and created by the City of Bowling Green which shall be known as the WKU Gateway to Downtown Bowling Green Tax Increment Financing Development Area which shall encompass the geographic area as set out in Ordinance No. BG2007-33 and as amended by Ordinance No. BG2007-38, ~~[and amended by]~~ Ordinance No. BG2008-54 and Ordinance No. BG2016-30.

b. Pursuant to the Act, the City of Bowling Green hereby ratifies its designation of the Authority as the agency under such Act to receive tax increments derived from the Development Area and to apply such tax increments to amortize the obligations to be issued by the Authority to implement and to develop the Project.

c. There is hereby assigned to the Authority those incremental revenues designated in previously approved ordinances derived and to be derived within the Development Area. All tax increments hereby assigned to the Authority shall be used solely and only for the purposes of the Project and in the Development Area and shall be used solely for the amortization of the bonds or other debt issued for the financing of the Project and for the administrative costs of the Authority. Once all debt is paid in full, this Subchapter shall automatically be repealed and the Development Area shall cease.

11-10.04 Calculation and Distribution of Tax Increment Financing Revenue Related to Growth of Existing Businesses or Jobs that Relocate Into the TIF Development Area.

a. It is not the purpose of TIF to shift existing commercial, professional or other businesses that already exist in the City, but outside the TIF area, into the TIF area without an adjustment to Old Revenue (hereinafter also called “base revenues”). Therefore, any existing City

business outside the TIF area that moves into the TIF area shall file with the City Finance Department ~~[and the Office of the City Manager]~~ information related to the number of employees at its existing location or locations and the amount of occupational withholding fees paid by those employees for the preceding calendar year prior to its relocation into the TIF area and the amount of its net profit fees paid to the City for its previous fiscal year. The base revenue for the TIF area shall then be adjusted to include the occupational withholding fees and net profit fees reported by the existing City business and these revenues shall be included as Old Revenue to determine an adjusted base revenue. Such businesses shall report the existing revenues to the City Finance Department on forms provided by the Department.

b. Additional policies are hereby adopted related to the creation of Western Kentucky University jobs in the TIF area. Prior to the consideration of any Western jobs in the TIF area, the Warren County Downtown Economic Development Authority, Inc. shall file with the City Finance Department copies of the appropriate documents that are required to be filed with the State pursuant to the State grant agreement~~[-including all documents that are required to be filed on an annual basis].~~

c. No occupational withholding fees generated from Western Kentucky University jobs shall be included as new TIF revenues unless there is an actual increase in Western jobs in the City from the preceding calendar year. In addition, only those jobs in the TIF area that exceed the actual increase in Western jobs in the City shall be considered for TIF revenue calculations.

As an example for illustration purposes only, Western employment increases from 5,000 jobs to 5,100 jobs from the years 2011 to 2012. The TIF documents indicate that 200 new Western jobs were reported in the TIF area for 2012. Only 100 of the new Western jobs will be considered toward TIF revenue calculation.

d. If the growth of Western jobs in the TIF area exceeds the actual increase in total Western jobs from the preceding calendar year, the City Finance Department ~~[and the Office of the~~

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~~City Manager~~] shall then examine the Western jobs that were created in the TIF area and that are being considered for TIF revenue calculation. If any of the claimed Western jobs were existing jobs that relocated into the TIF area, the base revenue for the TIF area shall be adjusted to include the occupational withholding fees from the preceding calendar year paid by the existing Western jobs that relocated into the TIF area and these revenues shall be included as Old Revenue.

As an example for illustration purposes only and using the example above, the City will examine the 100 new Western jobs in the TIF area. It is determined that an existing Western department relocated into the TIF area. Ninety-five of these jobs existed prior to the relocation of the department. The occupational withholding fees paid on those 95 jobs for the previous calendar year shall be included as Old Revenue to determine an adjusted base revenue. The five new positions shall be classified as new jobs and 80% of the occupational withholding fees generated from those five new jobs will be paid to the Authority.

11-11 ENERGY PROJECT ASSESSMENT DISTRICT.

11-11.01 Preamble.

The City of Bowling Green declares as a public purpose the establishment of a municipal program to enable its residents [~~citizens~~] to participate in an Energy Project Assessment District (EPAD) program so that owners of property can finance energy saving improvements to their properties in the City. The City adopts this program pursuant to KRS 65.205 to 65.209, also referred to [HB 100 approved by the 2015 session of the Kentucky General Assembly and signed by the Governor with the legislation cited] as the “EPAD Act of 2015.”

11-11.02 Definitions.

All of the terms of this Subchapter shall have the same meaning as the terms set out in [~~House Bill 100;~~] the EPAD Act of 2015.

11-11.03 Adoption of EPAD Program and Designation of EPAD Program Area.

a. An “EPAD” or “Energy Project Assessment District” program for existing properties in the City of Bowling Green for the purposes of encouraging the efficiency of energy use or decrease water or energy consumption or demand is hereby adopted and established under the Kentucky EPAD Act of 2015 and the City of Bowling Green intends to use assessments on real property in the EPAD to support private sector energy projects.

b. In order to permit participation by property owners in the EPAD Act of 2015, the City hereby designates the entire city limits, including any future annexed area, as its EPAD, making all City property owners eligible for participation in the program.

11-11.04 Operation of the EPAD Program.

a. The provisions and operation of the EPAD program in the City of Bowling Green shall be subject to the requirements and procedures set out in the EPAD Act of 2015.

b. The City’s Department of Finance is designated as the official office for the City to administer the EPAD program and is delegated the responsibility of administering the program pursuant to the provisions of the applicable state statutes and this Subchapter, including working with the Warren County Property Valuation Administrator (PVA), the Warren County Court Clerk and all applicable City departments in the operation of the program, assessment of properties and collection of the assessments. The Department of Finance is authorized to impose fees on participating property owners to offset the costs of administering the program, including assessments and collection functions of Warren County and City offices, except that these fees shall not exceed one percent (1%) of the amount assessed per payment with the fees to be divided among the applicable agencies as agreed by the agencies. The Department of Finance is further authorized to engage financing for the purpose of administering the EPAD program from financial institutions with a physical presence in Kentucky whose deposits are insured by the Federal Deposit Insurance Corporation. In addition, the Department of Finance may contract with a third-party entity to administer the EPAD program.

c. The Department of Finance is authorized to develop the necessary application and procedures for property owners of record to apply for the EPAD program. To qualify for the program, the property owner of record shall file the application with the Department of Finance no later than thirty (30) days prior to commencing the installation of the energy project. The application shall be submitted in compliance with the procedures set out in the EPAD Act of 2015 and as established by the Department of Finance. The application shall include a legal description of the real property being improved including a deed book and page number, the PVA Code and the names and addresses of all owners of the property. The application shall also include a general description of the proposed energy project and a proposed time schedule for undertaking and completing the project. The application shall be signed by all owners of the property and shall include the written consent of the holder of each existing mortgage lien on the property stating that the lien holder does not object to the imposition of the EPAD Act lien.

d. The Department of Finance staff, in cooperation with any other City department staff, shall review each application for compliance with the applicable State statutes and the Department of Finance procedures, including a review of the energy project being proposed, an examination of the property's baseline energy or water usage conditions and the energy or water savings projected to be achieved as a result of the energy project. For any energy project requiring a total assessment of two hundred and fifty thousand (\$250,000) dollars or more, that review shall include evidence that the energy project has been examined by a Kentucky Licensed Professional Engineer who has attested that: 1) the scope of work is in compliance with all applicable building codes; 2) the scope of work and the project budget are consistent with completed projects of a similar nature; and 3) the estimated energy savings calculations are accurate and achievable.

e. The Department of Finance shall review the application and all other materials presented with it and shall determine if the application and energy study, if applicable, comply with the

EPAD Act of 2015. If the application is approved, the Department of Finance, in conjunction with the City Department of Law, shall prepare and enter into a written contract between the City and the property owners accepting the energy project pursuant to reasonable terms and conditions established by the City, including the establishment of the necessary assessment to finance the costs of the project. The written contract shall set forth the total amount of the assessment, the term of the assessment, the interest rate established for the assessment and the annual amount of the assessment. The contract may also designate the qualified contractor that will construct and install the energy project. The City Manager is hereby designated to execute these contracts on behalf of the City.

f. Once the application is approved, the Department of Finance shall file a written notice of the assessment in the real property records of the Warren County Court Clerk's Office indicating the amount of the assessment, the legal description of the real property, the name of each owner of record of the real property and a reference to the statutory assessment lien provided by the State statutes and this Subchapter.

g. Upon the recording of the written notice and the imposition of the assessment, the Department of Finance is authorized to add the assessment to the City property tax bill for the relevant property. The assessment shall be imposed and collected in the same manner as other City property taxes and any unpaid assessment shall bear the same interest rate and penalty as other City property taxes. The assessment shall, together with any interest and penalties, constitute a first and prior lien against the real property on which the assessment is imposed from the date on which the notice of assessment is recorded until paid. Furthermore, this lien shall have the same priority status as a lien for any other State or local ad valorem tax upon the property. The Department of Finance is authorized to pursue collection actions for unpaid assessments in the same manner it pursues collections of unpaid property taxes. The Department of Finance shall collect the assessments annually and make the required payments to the entity financing the energy project. Any bonds or notes issued under the

applicable State statutes or this Subchapter for an EPAD project shall not be general obligations of the City and the City of Bowling Green and its officers, officials or officers shall have no liability to any persons for uncollected EPAD assessments and unpaid EPAD debt.

h. The owner shall notify the City Department of Finance upon completion of the energy project and, in the event the total assessment for the energy project is two hundred and fifty thousand (\$250,000) dollars or greater, provide the Department of Finance a certification from a Kentucky Licensed Professional Engineer that an on-site inspection verifies the actual construction and installation was in compliance with the application and contract.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on August 5, 2025, and given final reading on August 19, 2025 and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: August 19, 2025

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Jeffery B. Meisel, City Manager