§ 54-1515. Contracts for state assistance payments for climate smart community projects.

1. After approval of the application, the commissioner may, in the name of the state, enter into contracts with municipalities, to provide state assistance payments toward the cost of climate smart community projects, which shall include the following provisions:

a. an estimate of the costs of the project as determined by the commissioner;

b. an agreement by the commissioner to make state assistance payments toward the cost of the project by periodically reimbursing the municipality during the progress of project development or following completion of the project as may be agreed upon by the parties, in an amount not to exceed the amounts established elsewhere in this title; and

c. an agreement by the municipality:

(i) to proceed expeditiously with and complete the project as approved by the commissioner;

(ii) to undertake and maintain the climate smart community project in accordance with applicable law and rules and regulations;

(iii) to provide for the payment of the municipality's share of the cost of the project;

(iv) to assume the full cost of any additional elements or continued operation of the project;

(v) to repay within one year of notification by the commissioner, any state assistance payments made toward the cost of the project or an equitable portion of such monies declared appropriate by the commissioner, if the municipality fails to complete the project as approved. No repayment, however, shall be required where the commission determines that such failure, disposition or change of use was immediately necessary to protect public health and safety; and

(vi) to apply for and make reasonable efforts to secure federal assistance for the project.

2. In connection with each contract, the commissioner shall keep adequate records of the amount of the payment by the state, if any, received by the municipality. Such records shall be retained by the commissioner and shall establish the basis for recalculation of the state payment as required herein.

3. The commissioner shall impose such contractual requirements and conditions upon any municipality which receives state assistance payments pursuant to this title as may be necessary and appropriate to ensure that a public benefit shall accrue from the use of public funds by such municipality. Such conditions shall include limitations on the right of the municipality to demolish or convey such property, provisions for public access or use where appropriate, a requirement that all plans for restoration, rehabilitation, improvement, demolition or other physical change must be subject to the commissioner's approval, and such other conditions which shall assure the preservation and protection of the project.