

State of Texas	§	Court Order
Collin County	§	2022-485-05-23
Commissioners Court	§	

An order of the Collin County Commissioners Court declaring the intent to establish a PACE Lending Program within the county.

Whereas, the 83rd Regular Session of the Texas Legislature enacted the Property Assessed Clean Energy Act, Texas Local Government Code Chapter 399 (the "PACE Act"), which allows the governing body of a local government, including a city or county, to designate an area of the territory of the local government as a region within which an authorized representative of a local government and the record owners of commercial, industrial, and large multifamily residential (5 or more dwelling units) real property may enter into written contracts to impose assessments on the property to repay the financing by the owners of certain permanent improvements fixed to the property intended to decrease energy or water consumption or demand; and

Whereas, the installation or modification by property owners of qualified energy or water saving improvements to commercial, industrial, and large multifamily residential real property in Collin County will further the goals of energy and water conservation without cost to the public; and

Whereas, the Commissioners Court finds that financing energy and water conserving projects through contractual assessments ("PACE Financing") furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, and conserving water resources; and

Whereas, the Commissioners Court, subject to the public hearing scheduled as provided below, at which the public may comment on the proposed program and the report issued contemporaneously with this resolution, finds that it is convenient and advantageous to establish a program under the PACE Act and designate the entire geographic area within the County's jurisdiction as a region within which a designated Authorized Representative of the County and the record owners of qualified real property may enter into PACE financing arrangements:

Now, therefore, be it resolved by the Commissioners Court:

The Recitals to this Resolution are true and correct and are incorporated into this Resolution for all purposes.

1. Collin County hereby adopts this Resolution of Intent and finds that financing qualified projects through contractual assessments pursuant to the PACE Act is a valid public purpose.

2. Collin County will, at a property owner's request, impose contractual assessments to repay PACE financing for qualified energy or water conserving projects available to owners of commercial, industrial, and large multifamily residential real property. The program is to be called Collin County Property Assessed Clean Energy Program ("Collin County PACE").
3. The following types of projects are qualified projects for PACE Financing that may be subject to such contractual assessments: Projects that (a) involve the installation or modification of a permanent improvement fixed to privately owned commercial, industrial, or residential real property with five (5) or more dwelling units, and (b) are intended to decrease energy or water consumption or demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature.

An assessment may not be imposed to repay the financing of facilities for undeveloped lots or lots undergoing development at the time of the assessment or the purchase or installation of products or devices not permanently fixed to real property.

4. The boundaries of the entire geographic area within Collin County's jurisdiction are the boundaries of the region where PACE financing and assessments can occur.
5. Financing for qualified projects under the PACE program will be provided by qualified third-party lenders chosen by the owners. Such lenders will execute written contracts with the Authorized Representative to service the assessments, as required by the PACE Act. The contracts will provide for the lenders to determine the financial ability of owners to fulfill the financial obligations to be repaid through assessments, advance the funds to owners on such terms as are agreed between the lenders and the owners for the installation or modification of qualified projects, and service the debt secured by the assessments, directly or through a servicer, by collecting payments from the owners pursuant to contracts executed between the lenders and the owners. The lender contracts will provide that Collin County will maintain and continue the assessments for the benefit of such lenders and enforce the assessment lien for the benefit of a lender in the event of a default by an owner. Collin County will not, at this time, provide financing of any sort for the PACE program.
6. The Commissioners Court will designate a qualified firm to act as an Authorized Representative with authority to enter into written contracts with the record owners of real property in Collin County to impose assessments pursuant to the PACE Act to repay the financing of qualified projects on the owners' property, to enter into written contracts with the parties that provide third-party financing for such projects to service the debts through assessments, and to file written notice of each contractual assessment in the real property records of the County all on behalf of Collin County. The Collin County Judge or his designee will be the liaison with the Authorized Representatives.

7. The report on the proposed PACE Program, prepared as provided by Tex. Local Gov't Code Sec. 399.009, is available for public inspection on the Internet website of Collin County and in the office of the County Judge at the Jack Hatchell Administration Building 4th Floor, 2300 Bloomdale Road, McKinney, Texas 75071 and is incorporated in this resolution and made a part hereof for all purposes.

The County Commissioners Court will hold a public hearing on the proposed PACE program and report on June 13, 2022 at 1:30 PM in the Jack Hatchell Administration Building 4th Floor, 2300 Bloomdale Road, McKinney, Texas 75071 .

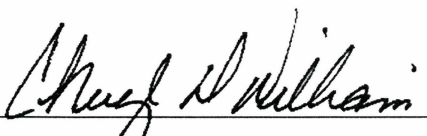
A motion was duly made, seconded, and carried by a majority of the court members in attendance during a regular session on Monday, May 23, 2022.

Not Present

Chris Hill, County Judge



Susan Fletcher, Commissioner, Pct 1



Cheryl Williams, Commissioner, Pct 2



Voted No

Darrell Hale, Commissioner, Pct 3

Not Present

Duncan Webb, Commissioner, Pct 4



ATTEST: Stacey Kemp, County Clerk