

FERGUS COUNTY RESOLUTION OF INTENT TO ESTABLISH A COUNTY PACE PROGRAM

WHEREAS, The 67th Regular Session of the Montana Legislature enacted the Commercial Property Assessed Capital Enhancement Act of Montana, Montana Code Annotated, Title 90, Chapter 4, Part 13 (the "PACE Act"), which allows the governing body of a local government, including a Fergus County to designate an area of the territory of the local government as a district within which an authorized local government official and the record owners of a privately owned commercial or industrial facility, covered multifamily housing accommodation as defined in § 49-2-305(6), MCA, or agricultural property may enter into written contracts to impose assessments on the property to repay the financing by the owners of Energy Conservation Projects as defined in § 90-4-1302(5), MCA; and

WHEREAS, the installation or modification by property owners of qualified Energy Conservation Projects in Fergus County will further the goals of increasing economic efficiency and energy conservation without cost to the public; and

WHEREAS, the Fergus County Commissioners finds that financing Energy Conservation Projects through contractual assessments ("PACE financing") furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, and conserving natural resources; and

WHEREAS, the PACE Act designates the Montana Facility Finance as state-wide administrator of projects utilizing PACE financing; and

WHEREAS, the Fergus County Commissioners 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 district within which a designated County representative (County Treasure) and the record owners of qualified real property may enter into PACE financing arrangements.

THEREFORE, be it resolved by the Commissioners of Fergus County that:

Section 1. Fergus County intends to make contractual assessments to repay PACE financing for qualified Energy Conservation Projects available to owners of a commercial or industrial facility, covered multifamily housing accommodation as defined in § 49-2-305(6), MCA, or agricultural property. The program is to be called Fergus County Commercial Property Assessed Capital Enhancement ("Fergus County PACE").

Section 2. The following two types of projects are qualified projects for PACE financing that may be subject to such contractual assessments:

1. "Energy conservation measures": means a permanent cost-effective energy improvement fixed to real property, including new construction, and intended to decrease energy or water consumption and 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. The exemplary list of energy conservation measures codified at § 90-4-1302(4), MCA, is incorporated by reference herein.
2. "Renewable Energy System": means a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that uses one or more forms of renewable energy to generate electricity or to reduce the use of nonrenewable energy. The term includes a biomass stove but does not include an incinerator or a digester. "Renewable energy" has the meaning provided in § 15-24-3102, MCA.

Section 3. The boundaries of the entire geographic area within Fergus County's jurisdiction are the boundaries of the district where PACE financing and assessments can occur.

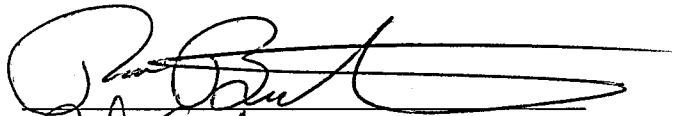
Section 4. Financing for qualified projects under the PACE program will be provided by qualified third-party lenders chosen by the owners. Such lenders will execute written contracts with Fergus County's representative (County Treasurer) to service the assessments, as required by the PACE Act. The contracts 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 Fergus 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. Fergus County will not, at this time, provide financing of any sort for the PACE program.

Section 5. The Montana Facility Finance Authority will serve as an independent third-party Program Administrator on the behalf of Fergus County pursuant to its Montana Commercial Property Assessed Capital Enhancements Program Guidelines available for inspection at www.LastBestPace.com (hereinafter the "MFFA CPACE Program Guidelines"). The MFFA CPACE Program Guidelines are incorporated in this resolution and made a part hereof for all purposes.

Section 6. The Fergus County Commissioners held a public hearing on the proposed PACE program and report on 8/24/2023 at 2 p.m. in the County Commissioners Room, Suite 210, 712 West Main, Lewistown, MT 59457.

Adopted this 24 day of August 2023.

FERGUS COUNTY COMMISSIONERS:



Ross Butcher

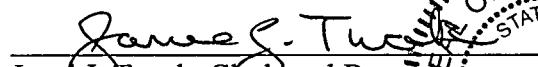


Jennifer Saunders



Carl Seilstad

Attest:



Janel J. Tucek, Clerk and Recorder

