

LUBBOCK COUNTY COMMISSIONERS COURT
RESOLUTION OF INTENT
TO ESTABLISH A COUNTY PACE PROGRAM

STATE OF TEXAS §
 §
COUNTY OF LUBBOCK §

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 all or a portion of the area of the local government as a region within which an authorized local government representative and the record owners of commercial, industrial, and large multifamily residential (five 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 the County of Lubbock ("Lubbock County" or "County") will further the goals of energy and water conservation without cost to the public; and

WHEREAS, the Lubbock County Commissioners Court ("Commissioners Court") finds that financing qualified projects (as defined in the PACE Act) through contractual assessments ("PACE Financing") furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, conserving water resources, and reducing greenhouse gas emissions; 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 of Lubbock County that:

1. Recitals. The Recitals to this Resolution are true and correct and are incorporated into this Resolution for all purposes.
2. Intent to Establish Program. Lubbock 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.
3. Contractual Assessments. Lubbock County will, at a property owner's request, impose contractual assessments on the property to repay PACE Financing for qualified improvements available to owners of privately owned commercial, agricultural, or industrial real property or residential real

property with five or more dwelling units. The program is to be called Lubbock County Property Assessed Clean Energy ("Lubbock County PACE").

4. Qualified Projects. 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, agricultural, or industrial real property 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.

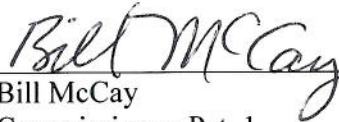
5. Region. The entire geographic area located within Lubbock County's jurisdiction are the boundaries of the region where PACE financing and assessments can occur under the Lubbock County PACE program.
6. Third-Party Financing. Financing for qualified projects under the PACE program will be provided by third-party capital providers selected by the property owners. Such capital providers will execute written contracts with the Authorized Representative to service the debt through assessments, as required by the PACE Act. The contracts will provide for the capital providers 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 capital providers and the owners for the installation or modification of qualified improvements, and service the debt secured by the assessments, directly or through a servicer, by collecting payments from the owners pursuant to financing documents executed between the capital providers and the owners. Lubbock County will maintain and continue the assessments for the benefit of such capital providers and will enforce the assessment lien for the benefit of a capital provider in the event of a default by an owner. Lubbock County will not provide financing under the Program.
7. Administration. The Commisisoners Court will appoint a qualified organization (the "Program Administrator") to administer the Lubbock County PACE Program on behalf of Lubbock County, and the County Judge or his/her designee will be authorized to enter into a professional services agreement with the Program Administrator on behalf of the County to provide for administration of the Lubbock County PACE Program. The Program Administrator will be designated to act as the Authorized Representative of the County, subject to the terms of such contract and the provisions of the PACE Act, for the purpose of administering the Lubbock County PACE Program, including the interaction with the Lubbock County Tax Assessor-Collector.
8. Report. The report on the Lubbock County PACE Program, prepared in accordance with Chapter 399 of the Texas Local Government Code is attached hereto and incorporated into this resolution. The County Judge or his/her designee will post the resolution and report on the Lubbock County website and make it available for public inspection at 904 Broadway Street, Lubbock, TX 79401.
9. Enforcement. The County will enforce the collection of past due assessments and may contract with a qualified law firm to assist in collection efforts.

10. Amendment of Program. The Lubbock County Commissioners Court may amend the Lubbock County PACE Program by resolution. However, an additional public hearing is required before the Lubbock County PACE Program may be amended to provide for Lubbock County financing of qualified improvements through assessments.
11. Public Hearing. The Commissioners Court will hold a public hearing on the proposed Lubbock County PACE program and report on December 11, 2017, at 10:15 in the Commissioners Courtroom, 904 Broadway St # 101, Lubbock, TX 79401.

Adopted this 27th day of November, 20 17.



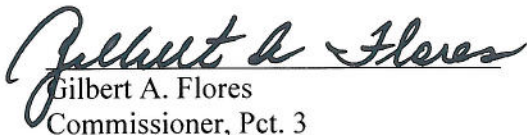
Tom Head
Lubbock County Judge



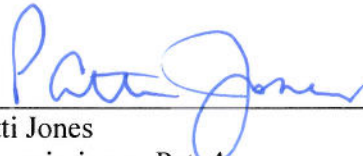
Bill McCay
Commissioner, Pct. 1



Mark Heinrich
Commissioner, Pct. 2



Gilbert A. Flores
Commissioner, Pct. 3



Patti Jones
Commissioner, Pct. 4

ATTEST:



Kelly Pinion, County Clerk