

**COUNTY OF DELAWARE
COMMONWEALTH OF PENNSYLVANIA
RESOLUTION NUMBER 2021-2**

**APPROVAL OF THE ESTABLISHMENT OF A COMMERCIAL
PROPERTY ASSESSED CLEAN ENERGY PROGRAM**

WHEREAS, Title 12 of the Pennsylvania Consolidated Statutes, 12 Pa.C.S.A. § 4301, *et seq.*, as amended, authorizes counties to establish a Commercial Property Assessed Clean Energy program (“Program”); and

WHEREAS, 12 Pa.C.S.A. § 4303 authorizes a county to establish a Program by adopting a resolution establishing a Program, defining an area or group of real properties designated for the purpose of establishing a Program (the “District”) and provide other operational standards and guidelines; and

WHEREAS, the County Council of the County of Delaware, Pennsylvania (the “County”) previously stated its intent to establish a Program for a District consisting of the entire County and requesting notices of such intent (the “Notices”) to be sent by the County Clerk to all municipalities in the County of their possible inclusion in such District; and

WHEREAS, such Notices have been sent by the County Clerk as directed by Council; and

WHEREAS, County Council desires to establish a Program for a District consisting of the entire County; and

WHEREAS, the PP&L Sustainable Energy Fund Inc. (the “Sustainable Energy Fund”) is a Pennsylvania nonprofit entity with a mission to promote, research, and invest in clean and renewable energy technologies, energy conservation, energy efficiency and sustainable energy enterprises that provide opportunities and benefits; and

WHEREAS, the Sustainable Energy Fund has been a leader in developing program guidelines that can be used statewide in establishing a Program and can perform the role of Program Administrator for an established Program; and

WHEREAS, County Council desires the County to enter into a Cooperation Agreement with Sustainable Energy Fund for the administration of the Program established hereby;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF DELAWARE COUNTY, PENNSYLVANIA that:

1. A property assessed clean energy program shall be hereby established in the County and shall be known as the “Delaware County C-PACE Program”.
2. County Council hereby designates the entire County as the District (as defined in 12 Pa.C.S.A. § 4302).
3. The Sustainable Energy Fund is hereby appointed to administer the Delaware County C-PACE Program in accordance with the Cooperation Agreement.

4. County Council hereby authorizes the County Executive Director to: (1) negotiate and execute the Cooperation Agreement; (2) approve any qualified project to be financed under the Delaware County C-PACE Program and (3) execute any and all other necessary documents as may be required to facilitate the successful implementation of the Delaware County C-PACE Program and the financing of any qualified project under the Delaware County C-PACE Program (including any statement of levy and lien); subject in each case to County Solicitor's approval.

5. County Council hereby authorizes the County Chief Sustainability Officer to provide operational standards and guidelines for the Delaware County C-PACE Program in accordance with 12 Pa.C.S.A. § 4303 and to take any other necessary actions to facilitate the successful implementation of the Delaware County C-PACE Program.


6. County Council hereby approves, ratifies and confirms all action heretofore taken by its officers, its designated representative or representatives, and other persons on its behalf in connection with the undertakings herein contemplated, to the extent not inconsistent with this Resolution.

7. In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of County Council that such remainder shall be and shall remain in full force and effect.

8. All prior resolutions or parts of prior resolutions that are inconsistent with this Resolution are hereby repealed.

ADOPTED by the County Council of the County of Delaware, Pennsylvania, this 17th day of March, 2021.

BY: DELAWARE COUNTY COUNCIL



Brian P. Zidek, Chair

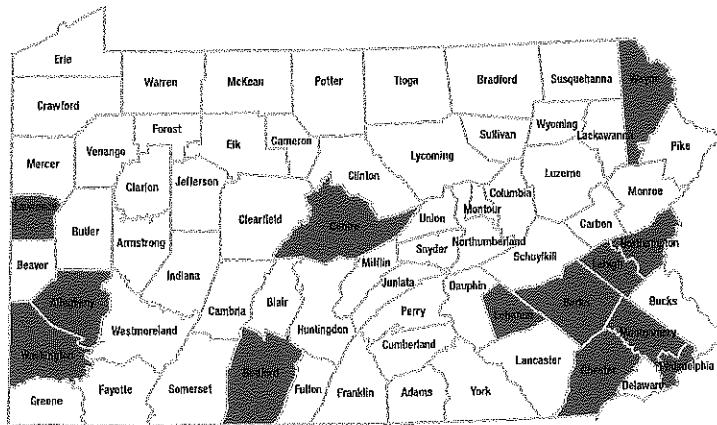
ATTESTED: 

ANNE COOGAN, County Clerk

PA C-PACE

PROPERTY ASSESSED CLEAN ENERGY

Commercial Property Assessed Clean Energy (C-PACE) was enabled in Pennsylvania in the summer of 2018 through Senate Bill 234. The legislation authorizes local governments to establish a C-PACE program for building owners to obtain low-cost, long-term financing for energy efficiency, water conservation and renewable energy projects. To date thirteen counties have adopted C-PACE.



HOW C-PACE WORKS:

- Setup by local government, managed by program administrator
- Owners receive funding for projects from private capital providers
- Lien is senior to existing mortgage, on par with property taxes
- Mortgage/Lien holder consent
- Annual special assessment that transfers on sale and does not accelerate

PROGRAM ADMINISTRATION:

The administration of C-PACE includes the evaluation of C-PACE Projects according to the C-PACE Program Guidelines and the collection of the annual C-PACE Special Assessment by the local unit of government. Evaluation of C-PACE Projects can be performed by a third-party Program Administrator on behalf of the local unit of government.

SUSTAINABLE ENERGY FUND (SEF) has the financial, technical and programmatic staff. If selected as a program administrator, SEF will use its financial and technical staff to ensure proposed projects meet approved program guidelines. It's programmatic and marketing staff will promote the program to commercial, industrial, and agricultural businesses, contractors, financial institutions, and C-PACE capital providers.

SUSTAINABLE ENERGY FUND (SEF) is a nonprofit 501(c)(3) dedicated to assisting energy users in overcoming barriers to a sustainable energy future. SEF was created through a settlement during electric deregulation as a result the SEF's Board of Directors and any Bylaw changes are approved by the Pa PUC, and SEF submits an annual financial audit and annual report to the Pa PUC.