

RESOLUTION NO. 8, SERIES OF 2023

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO, DEAUTHORIZING THE COLORADO NEW ENERGY IMPROVEMENT DISTRICT FROM CONDUCTING THE NEW ENERGY IMPROVEMENT PROGRAM WITHIN FREMONT COUNTY

WHEREAS, in 2010, the Colorado Legislature enacted Title 32, Article 20 of the Colorado Revised Statutes, commonly known as the New Energy Jobs Creation Act; and

WHEREAS, on February 14, 2017, the Board of County Commissioners for Fremont County approved Resolution 14, Series of 2017 (recorded at reception #947482), which authorized the Colorado New Energy Improvement District (“CNEID”) to conduct its new energy improvement program, called Colorado Commercial Property Assessed Clean Energy (C-PACE) Program within Fremont County, Colorado; and

WHEREAS, on February 14, 2017, Fremont County and CNEID, entered into the Colorado C-PACE NEID-County Participation Agreement (“Agreement”); and

WHEREAS, pursuant to the Agreement, the County has an obligation to bill and collect assessments for properties participating in the C-PACE program in Fremont County; and

WHEREAS, Section 4 of the Agreement and §32-20-105(3), C.R.S., provide that the County may adopt a resolution deauthorizing CNEID from conducting the C-PACE Program within the County, provided the County continues to meet all its obligations under the Agreement as to all program financing obligations existing on the effective date of the deauthorizing resolution until any and all C-PACE special assessments within the County have been paid in full and remitted to CNEID; and

WHEREAS, there are currently two C-PACE properties in Fremont County with addresses of 200 South Pikes Peak Ave, Florence, Colorado, and 631 Main Street, Cañon City, Colorado; and

WHEREAS, the Board of Commissioners has considered the effectiveness of the C-PACE Program within the County, consulted with the Fremont County Treasurer and has determined that the deauthorization of the C-PACE Program in Fremont County would be in the best interests of the County and its citizens.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR FREMONT COUNTY:

1. In accordance with Section 4 of the Colorado C-PACE NEID-County Participation Agreement and §32-20-105(3), C.R.S., the Board of County Commissioners hereby deauthorizes the Colorado New Energy Improvement District from conducting the C-PACE Program in Fremont County, effective as of the date of this Resolution.

2. Fremont County shall continue fulfilling its obligations to bill, collect, and remit assessments for the two existing Fremont County C-PACE projects, in accordance with its obligations under the Agreement and in accordance with statutory requirements.

3. A copy of this Resolution shall be provided to the CNEID, thereby providing notice of the deauthorization of the C-PACE Program within Fremont County.

Commissioner Grantham moved adoption of the foregoing Resolution, seconded by Commissioner Bell and approved by roll call vote as follows:

Debbie Bell	<u>Aye</u>	Nay	Absent	Abstain
Kevin J. Grantham	<u>Aye</u>	Nay	Absent	Abstain
Dwayne McFall	Aye	Nay	<u>Absent</u>	Abstain

ADOPTED AND EFFECTIVE THIS 14th DAY OF February, 2023.

BOARD OF COUNTY COMMISSIONERS
FOR FREMONT COUNTY

By: [Signature]
Chair

ATTEST:

By: [Signature]
Clerk to the Board

