

RESOLUTION R-2021-104
LUZERNE COUNTY COUNCIL

A Resolution of the Luzerne County Council Establishing a Property Assessed Clean Energy Program in the County of Luzerne and Taking and Authorizing Other Action in Connection Therewith

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

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

WHEREAS, The Luzerne County Manager and the Department of Community and Economic Development have been exploring the feasibility and benefits of establishing a Program with the Sustainable Energy Fund; and

WHEREAS, the PP&L Sustainable Energy Fund Inc. hereinafter “Sustainable Energy Fund” is a Pennsylvania 501c3 not for profit 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

WHEREAS, the Sustainable Energy Fund can perform the role of Program Administrator for an established Program; and

WHEREAS, The Luzerne County Council desires the County to establish the Program; and

WHEREAS, The Luzerne County Council desires the County to enter into the Cooperation Agreement with Sustainable Energy Fund for the administration of the Program; and

WHEREAS, County Council has provided notice to every municipality within the County that the County Council intend to establish the Program throughout the entire County.

NOW, THEREFORE, BE IT RESOLVED BY THE LUZERNE COUNTY COUNCIL that:

1. A property assessed clean energy program shall be established in the County and shall be known as the “Luzerne County C-PACE Program”.

2. Luzerne County Council designates the entire County as the District as defined in Section 4302 of Title 12 of the Pennsylvania Consolidated Statutes, 12 P.S. §4302.

3. The Sustainable Energy Fund shall be authorized to administer the Luzerne County C-PACE Program in accordance with the Cooperation Agreement.

4. The County and the Sustainable Energy Fund shall negotiate the terms of the Cooperation Agreement.

5. The Luzerne County Council authorizes the County Manger to execute the Cooperation Agreement.

6. The Luzerne County Council authorizes the County Manager or designee to execute any and all other necessary documents as may be required to facilitate the successful implementation of the Luzerne County C-PACE Program.

7. Any reference in this Resolution to any officer of the County or any officer or member of the Luzerne County Council shall be deemed to refer to his or her duly qualified successor in office, if applicable.

8. The County 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.

9. 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 the Luzerne County Council that such remainder shall be and shall remain in full force and effect.

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

11. This Resolution shall become effective six days from adoption.

ADOPTED at a meeting of Luzerne County Council held on July 27, 2021.

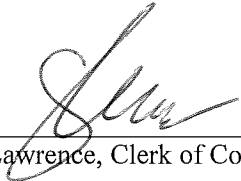
ROLL CALL VOTE (7-3) with (1) Abstention

YES: Houck, McGinley, Perry, Radle, Saidman, Schnee and Vough


NO: Griffith, Haas and McDermott

ABSTAINED: SJ Urban

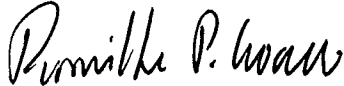
Attest:


Sharon Lawrence, Clerk of Council

LUZERNE COUNTY COUNCIL

By: 
Tim McGinley, Chair

LUZERNE COUNTY MANAGER

By: 
Romilda P. Crocamo, Esq.,
Acting County Manager