

**RESOLUTION NO. 380-2020**

**A RESOLUTION ESTABLISHING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM IN THE COUNTY OF BERKS 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 (the “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 Chief Administrative Officer and the Director of 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., (the “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**, on August 11, 2020, the Berks County Commissioners heard a presentation by the Sustainable Energy Fund on the nature and benefits of establishing a Program in Berks County; and

**WHEREAS**, The Berks County Commissioners desire the County to establish the Program; and

**WHEREAS**, The Berks County Commissioners desire the County to enter into the Cooperation Agreement with Sustainable Energy Fund for the administration of the Program (the “Cooperation Agreement”); and

**WHEREAS**, The Berks County Commissioners have provided notice to every municipality within the County that the County Commissioners intend to establish the Program throughout the entire County.


**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF BERKS COUNTY, PENNSYLVANIA** that:

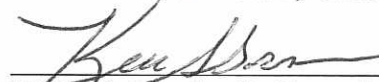
1. A property assessed clean energy program shall be established in the County and shall be known as the “Berks County C-PACE Program”.


2. The Berks County Commissioners designate 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 Berks 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 Berks County Commissioners authorizes the Chief Administrative Officer to execute the Cooperation Agreement.
6. The Berks County Commissioners authorize the Chairman of the Commissioners to execute all other necessary documents as may be required to facilitate the successful implementation of the Berks County C-PACE Program.
7. Any reference in this Resolution to any officer of the County or any officer or member of the Berks County Commissioners 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 Berks County Commissioners 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 immediately upon it having been recorded in the minutes of the Berks County Commissioners, and the Berks County Commissioners hereby direct that this Resolution be recorded immediately following its adoption.

ADOPTED THIS 22nd DAY OF OCTOBER, 2020.

COUNTY OF BERKS

  
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Christian Y. Leinbach, Chair

  
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Kevin S. Barnhardt, Commissioner

  
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Michael S. Rivera, Commissioner

Attest:

  
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Maryjo Gibson, Chief Clerk