

RESOLUTION NO. 2025-4

A GRANITE COUNTY RESOLUTION OF INTENT TO ESTABLISH A COUNTY PACE PROGRAM

WHEREAS, The 67th Regular Session of the Montana Legislature enacted the Commercial Property Assessed Capital Enhancement Act of Montana, Montana Code Annotated, Title 90, Chapter 4, Part 13 (the “PACE Act”), which allows the governing body of a local government, including a County, to designate an area of the territory of the local government as a district within which an authorized local government official and the record owners of a privately owned commercial or industrial facility, covered multifamily housing accommodation as defined in 90-4-1302, MCA, or agricultural property may enter into written contracts to impose assessments on the property to repay the financing by the owners of Energy Conservation Projects as defined in Section 90-4-1302, MCA; and

WHEREAS, the installation or modification by property owners of qualified Energy Conservation Projects in Granite County will further the goals of increasing economic efficiency and energy conservation without cost to the public; and

WHEREAS, the Granite County Commissioners find that financing Energy Conservation Projects through contractual assessments (“PACE financing”) furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, and conserving natural resources; and

WHEREAS, the PACE Act designates the Montana Facility Finance as state-wide administrator of projects utilizing PACE financing; and

WHEREAS, the Granite County Commissioners, 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 district within which a designated County representative and the record owners of qualified real property may enter into PACE financing arrangements.

THEREFORE, be it resolved by the Commissioners of Granite County that:

Section 1. Granite County intends to make contractual assessments to repay PACE financing for qualified Energy Conservation Projects available to owners of a commercial or industrial facility, covered multifamily housing accommodation as defined in 90-4-1302, MCA, or agricultural property. The program is to be called Granite County Commercial Property Assessed Capital Enhancement (“Granite County PACE”).

Section 2. The following two types of projects are qualified projects for PACE financing that may be subject to such contractual assessments:

1. “Energy conservation measures”: means a permanent cost-effective energy improvement fixed to real property, including new construction, and intended to decrease energy or water consumption and 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. The exemplary list of energy conservation measures codified at Section 90-4-1302, MCA, is incorporated by reference herein.
2. “Renewable Energy System”: means a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that uses one or more forms of renewable energy to generate electricity or to reduce the use of nonrenewable energy. The term includes a biomass stove but does not include an incinerator or a digester. “Renewable energy” has the meaning provided in 90-4-1302, MCA.

Section 3. The boundaries of the entire geographic area within Granite County’s jurisdiction are the boundaries of the district where PACE financing and assessments can occur.

Section 4. Financing for qualified projects under the PACE program will be provided by qualified third-party lenders chosen by the owners. Such lenders will execute written contracts with Granite County’s representative to service the assessments, as required by the PACE Act. The contracts will provide for the lenders 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 lenders and the owners for the installation or modification of qualified projects, and service the debt secured by the assessments, directly or through a servicer, by collecting payments from the owners pursuant to contracts executed between the lenders and the owners. The lender contracts will provide that Granite County will maintain and continue the assessments for the benefit of such lenders and enforce the assessment lien for the benefit of a lender in the event of a default by an owner. Granite County will not, at this time, provide financing of any sort for the PACE program.

Section 5. The Montana Facility Finance Authority will serve as an independent third-party Program Administrator on the behalf of Granite County pursuant to its Montana Commercial Property Assessed Capital Enhancements Program Guidelines available for inspection at www.LastBestPACE.com (hereinafter the “MFFA C-PACE Program Guidelines”). The MFFA C-PACE Program Guidelines are incorporated in this resolution and made a part hereof for all purposes.

Section 6. The Granite County Commissioners will hold a public hearing on the proposed PACE program and report on February 25, 2025 at 10:00 a.m. at the Granite County Commission’s Office, main floor of Granite County Courthouse, 220 North Sansome Street, 220 North Sansome Street, Philipsburg, MT 59858.

ADOPTED AND PASSED this 4th day of February, 2025, A.D.

**BOARD OF COUNTY COMMISSIONERS
OF GRANITE COUNTY**

opposed

Scott C. Adler, Chairperson

Blanche McLure
Blanche McLure, Commissioner

Paul G. Kulaski
Paul G. Kulaski, Commissioner

ATTEST: *Sarah Graham*
Sarah Graham, Clerk

APPROVED AS TO FORM AND CONTENT:

Blaine C. Bradshaw
Blaine C. Bradshaw, Granite County Attorney
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