

IN THE COUNTY COURT FOR SHERMAN COUNTY, OREGON

RESOLUTION NO. 09-08-2023

A RESOLUTION ENACTING THE SHERMAN COUNTY COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM (CPACE)

WHEREAS, the Sherman County has identified ongoing and significant issues concerning financing opportunities for commercial properties within Sherman County wherein the proposed development seeks to enhance county goals including those associated with increased energy and water conservation and improvement of structures against seismic damage; and

WHEREAS, the Sherman County Court considered this matter at a duly noticed public hearing on August 2, 2023 and concluded that the public will benefit from the proposed enactment of a Commercial Property Assessed Clean Energy funding program; now therefore,

NOW, THEREFORE, the Sherman County Court **ORDAINS** as follows:

Section 1. ENACTMENT. The language fully appearing in “Exhibit A” is enacted as provided in Section 4.

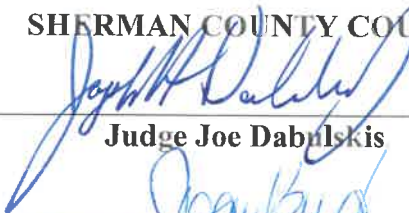
Section 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Section 3. NO CONFLICTS. Nothing herein is intended to, nor acts herein to amend, replace, or otherwise conflict with any other Resolutions of Sherman County, or any other code or statutory provisions, unless expressly so stated.


Section 4. EFFECTIVE DATE. This Resolution takes effect on the 31st day after the date of adoption.

Adopted this 2nd day of August, 2023.

SHERMAN COUNTY COURT



Judge Joe Dabulskis



Commissioner Joan Bird



Commissioner Justin Miller

EXHIBIT A

SHERMAN COUNTY COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY PROGRAM (CPACE)

I. PURPOSE AND SCOPE

The purpose and scope of this Resolution is to establish lien security and collection procedures for approved CPACE loans.

II. DEFINITIONS

As used in this Section, unless the context requires otherwise, the following terms and their derivations shall be the meaning provided below:

- A. "Act" means ORS 223.680 and ORS 223.685.
- B. "Benefit Assessment Lien" means the special assessment lien levied against the Qualifying Real Property securing CPACE financing, pursuant to ORS 223.680(7)(a) and ORS 223.685(6)(a).
- C. "Building Resiliency Improvements" means those certain Utility and Seismic Rehabilitation improvements to the Qualifying Real Property that meet the requirements of the Acts and program guide.
- D. "Clean Energy" means the energy that comes from renewable, zero emission sources that do not pollute the atmosphere when used, as well as energy saved by energy efficiency measures.
- E. "Sherman County CPACE Program" means the program provided for under the Acts for the financing and construction of Building Resiliency Improvements on Qualifying Real Property.
- F. "Pollutants" means any substance that contaminates air, soil, or water and that in sufficient concentrations contributes to undermining public health.
- G. "Qualifying Real Property" means the real property that qualifies to receive CPACE financing for Building Resiliency Improvements under the Sherman County CPACE program.
- H. "Recorder" means the Sherman County Clerk.
- I. "Renewable Energy" means clean energy that comes from natural sources of processes that are constantly replenished.
- J. "Seismic Rehabilitation" means improvements to Qualifying Real Property that are (a) intended to reduce or prevent harm to persons and property due to the effects of seismic activity on the Qualifying Real Property; and (b) authorized by the County or its designee.

K. "Treasurer" means the Sherman County Finance Director, designated pursuant to ORS 223.505(3) to take all steps necessary to enforce delinquent liens and to maintain records pertaining to collection proceedings thereon.

L. "Utilities Improvements" means improvements to Qualifying Real Property for any of the following purposes: (a) energy efficiency; (b) renewable energy; (c) energy storage; (d) smart electric vehicle charging stations; (e) water efficiency.

III. BENEFIT ASSESSMENT LIENS.

A. Benefit Assessment Liens shall be entered into the County lien docket.

B. Pursuant to ORS 223.680(7)(a), Benefit Assessment Liens shall have the same priority, as determined under ORS 223.230(3), as a lien for assessments for local improvements arising under ORS 223.393.

IV. ENFORCEMENT OF CPACE BENEFIT ASSESSMENT LIENS.

A. If any installment on any Benefit Assessment Lien bonded is delinquent for a period of one-year from the time it became due and payable, or at any time after 60-days from the time it became due and payable if not bonded, the recorder may thereafter prepare and transmit to the Treasurer a list in tabular form, made up from the lien docket, describing each Benefit Assessment Lien or installment due on any Benefit Assessment Lien that is so delinquent. The list shall also contain the name of the person to whom assessed, a particular description of the property, the amount of the Benefit Assessment Lien or installment due, and any other facts necessary to be given.

B. The Treasurer or its designee may take all steps necessary to enforce delinquent Benefit Assessment Liens and maintain records pertaining to those enforcement proceedings pursuant to the procedure set forth in ORS 223.505 to ORS 223.650, including collecting unpaid Benefit Assessment Liens or installments by advertising and selling the Qualifying Real Property in the manner provided in ORS 223.505 to ORS 223.650.

C. When an individual/entity purchases real property at a foreclosure sale under ORS 223.505 to ORS 223.590, if, with the written preapproval of the Treasurer or its designee, that purchaser incurs costs for maintaining or improving the property during the period owed for redemption and if the property is subsequently redeemed, the Treasurer or its designee may return up to all of the penalty paid by the person redeeming the property to the purchaser.