

**CITY OF FERNLEY
RESOLUTION 20-017**

**RESOLUTION CREATING AN ENERGY IMPROVEMENT DISTRICT FOR
COMMERCIAL OR INDUSTRIAL REAL PROPERTY OWNERS TO PARTICIPATE IN
THE FERNLEY C-PACE PROGRAM AND FINANCE ONE OR MORE ENERGY
EFFICIENCY IMPROVEMENT PROJECTS OR RENEWABLE ENERGY PROJECTS;
TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.**

WHEREAS, Chapter 271 of the Nevada Revised Statutes (“NRS”) enables a Nevada local government to adopt a resolution by which the governing body of the municipality may authorize the creation of a district to finance Energy Efficiency Improvement Projects or Renewable Energy Projects with willing owners of Qualifying Commercial or Industrial Real Property; and

WHEREAS, the City of Fernley (“City”) has created the “Fernley C-PACE Program” pursuant to Resolution; and

WHEREAS, the Fernley City Council (“City Council”) deems it necessary and desirable to create a district for the purpose of implementing the Fernley C-PACE Program to permit Qualifying Commercial and Industrial Real Property owners the benefits of financing one or more Energy Efficiency Improvement Projects or Renewable Energy Projects; and

WHEREAS, the City Council, City Manager, members, officers, employees, and agents of the City have done or caused to be done all things necessary and preliminary to the creation of the district and implementation of the Program, and the City Council now desires to authorize any qualifying applicant within the district to participate in the Fernley C-PACE Program.

NOW, THEREFORE, be it hereby resolved by the City of Fernley Council as follows:

Section 1. There shall be and hereby is created in the City Energy Improvement District No. 1 for the purpose of implementing the Fernley C-PACE Program as described in Section 3.1 of Resolution 20-016, and to catalyze investments in energy efficiency and renewable energy through a voluntary financing program.

Section 2. The boundaries of Energy Improvement District No. 1 are conterminous with the corporate limits of City, as they may be amended from time to time, inclusive of all real property within those limits. After adoption of this Resolution, the City Council hereby directs the City Clerk to record this Resolution in the official records of the Lyon County Recorder’s Office.

Section 3. The boundaries of the Energy Improvement District No. 1 may be amended from time to time by resolution of the City Council.

Section 4. All Qualifying Commercial and Industrial Real Property owners within Energy Improvement District No. 1 may apply, at their sole discretion, to participate in the Fernley C-PACE Program for the purpose of installing Energy Efficiency Improvement Projects or Renewable Energy Projects, pursuant to the requirements set forth in Resolution.

Section 5. Upon recommendation from the C-PACE Program Administrator, Qualifying Commercial or Industrial Real Properties with approved applications and consents for Energy Efficiency Improvement Projects or Renewable Energy Projects may be added into Energy Improvement District No. 1 from time to time by adoption of a resolution by the City Council. Each Qualifying Commercial and Industrial Real Property added into Energy Improvement District No. 1 shall include an exhibit by reference that includes a description of the real property or properties to be assessed, the types of improvements or installations to be financed for each property, and the Estimated Maximum Benefits stated in the consent for each property. The City Council, may, at its discretion, adopt a resolution if an emergency exists by a vote of not less than two-thirds of all the voting members. After adoption of any resolution to add properties, the City Council hereby directs the City Clerk to record it and any exhibits in the official records of the Lyon County Recorder's Office.

Section 6. Any Qualifying Commercial and Industrial Real Property will automatically exit Energy Improvement District No. 1 upon the remittance of the final Installment Payment that terminates the Financing associated with the recorded C-PACE Lien.

Section 7. City staff shall take necessary actions to implement the actions as set forth in this Resolution.

Section 8. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated by reference.

Section 9. The Mayor, City Manager, members, officers, employees, and agents of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute, deliver and record all documents as may be required and otherwise to give effect to, carry out and comply with the terms and intent of this Resolution, and to take all necessary and appropriate actions to effectuate the intent of this Resolution.

This resolution shall take effect immediately upon its passage.

PASSED, APPROVED, AND ADOPTED on the 5th day of August 2020 by the following vote of the Council:

AYES: _____ NAYS: _____ ABSTENTIONS: _____ ABSENT: _____

By: _____
Mayor Roy Edgington, Jr.

ATTEST:

City Clerk Kim Swanson