

**DEAF SMITH COUNTY COMMISSIONERS COURT  
RESOLUTION ESTABLISHING  
THE DEAF SMITH COUNTY PACE PROGRAM**

STATE OF TEXAS                   §  
  §  
COUNTY OF DEAF SMITH       §

WHEREAS, The 83rd Regular Session of the Texas Legislature enacted the Property Assessed Clean Energy Act, Texas Local Government Code Chapter 399 (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 region within which an authorized representative of a local government and the record owners of commercial, industrial, and large multifamily residential (5 or more dwelling units) real property may enter into written contracts to impose assessments on the property to repay the financing by the owners of permanent improvements fixed to the property intended to decrease water or energy consumption or demand; and

WHEREAS, the installation or modification by property owners of qualified energy or water saving improvements to commercial, industrial, and large multifamily residential real property in the County of Deaf Smith (“Deaf Smith County” or “County”) will further the goals of energy and water conservation without cost to the public; and

WHEREAS, the Commissioners Court finds that financing energy and water conserving projects through contractual assessments (“PACE financing”) furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, and conserving water resources; and

WHEREAS, the Commissioners Court finds that the administration of the PACE Program by one or more registered municipal advisor (“RMA”) or nonprofit organizations as independent third-party (“Authorized Representative or Authorized Representatives”) contracted by Deaf Smith County and compensated by application and administration fees paid by the participating property owners, will enable the PACE Program to be administered without use of County resources, will assure the objectives of impartiality and confidentiality of owner information, and will be convenient and advantageous to Deaf Smith County; and

WHEREAS, the Commissioners Court also finds that because no County funds will be expended for PACE Financing of the Authorized Representative’s services, the selection of such an independent third-party Authorized Representatives is not subject to the Professional Services Procurement Act or other county purchasing requirements; and

WHEREAS, the Commissioners Court adopted a Resolution of Intent to establish a PACE Program for Deaf Smith County on \_\_\_\_\_, 2025, including a reference to the report on the proposed program prepared as required by Section 399.009 of the PACE Act and made the report available to the public on the Deaf Smith County website and for inspection in the County Judge’s office; and

WHEREAS, the Commissioners Court held a public hearing on \_\_\_\_\_, 2025 at 9:30 a.m. in the Deaf Smith County Commissioners Court, at which the public had an opportunity to comment on the proposed program, including the report available for public inspection, as mentioned above and as required by Section 399.008(a)(2) of the PACE Act:

NOW THEREFORE, be it resolved by the Commissioners Court of Deaf Smith County that:

1. Recitals. The recitals to this Resolution are true and correct and are incorporated into this Resolution for all purposes.
2. Establishment of Program. Deaf Smith County hereby adopts this Resolution establishing the Deaf Smith County Property Assessed Clean Energy Program, herein called the “Deaf Smith County PACE Program” or the “Program,” and finds that financing qualified projects through contractual assessments pursuant to the PACE Act is a valid public purpose and is convenient and advantageous to Deaf Smith County and its citizens.
3. Contractual Assessments. Deaf Smith County will, at a property owner’s request, impose contractual assessments on the property to repay PACE Financing for qualified improvements available to owners of privately owned commercial or industrial real property or residential real property with five or more dwelling units.
4. Qualified Projects. The following types of projects are qualified projects for PACE Financing that may be subject to such contractual assessments:

Projects that (a) involve the installation or modification of a permanent improvement fixed to privately owned commercial or industrial real property or residential real property with five (5) or more dwelling units, and (b) are intended to decrease energy or water consumption or 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.

Notwithstanding anything to the contrary in the Report, a 2025 PACE Financing may be used to refinance the financing of a Qualified Project, the last improvement of which was finally installed within the three (3) year period prior to the application to the Authorized Representative for such 2025 PACE Financing.

5. Region. The entire geographic area located within Deaf Smith County’s jurisdiction is included in the boundaries of the region where PACE Financing and assessments can occur under the Program.
6. Third-Party Financing. Financing for qualified projects under the Program will be provided by third-party capital providers selected by the property owners. Such capital providers will execute written contracts with the Authorized Representative to service the debt through assessments, as required by the PACE Act. The contracts will provide for the capital providers 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 capital providers and the owners for the installation or modification of qualified improvements, and service the debt secured by the assessments, directly or through a servicer, by collecting payments from the owners pursuant to financing documents executed between the capital providers and the owners. Deaf Smith County will maintain and continue the assessments for the benefit of such capital providers and will enforce the assessment lien for the benefit of a capital provider in the event of a default by an owner. Deaf Smith County will not provide financing under the Program.
7. Authorized Representatives. The Commissioners Court will designate one or more qualified organizations to act as Authorized Representatives with authority to enter into written contracts with the record owners of real property in Deaf Smith County to impose assessments pursuant

to the PACE Act to repay the financing of qualified projects on the owners' property, to enter into written contracts with the parties that provide third-party financing for such projects to service the debts through assessments, and to file written notice of each contractual assessment in the real property records of the County, all on behalf of Deaf Smith County. The Deaf Smith County Judge or his/her designee will be the liaison with the Authorized Representatives.

8. Enforcement. The County will enforce the collection of past due assessments and may contract with a qualified firm to assist in collection efforts.
9. Report. The final report on the Deaf Smith County PACE Program, prepared in accordance with Section 399 of the Texas Local Government Code is attached hereto and incorporated into this resolution. The County Judge or his/her designee will post the report on the Deaf Smith County website and make it available for public inspection at Deaf Smith County Commissioners Courtroom, 235 E 3rd St, TX 79045
10. Amendment of Program. The Deaf Smith County Commissioners Court may amend the Deaf Smith County PACE Program by resolution. However, an additional public hearing is required before the Deaf Smith County PACE Program may be amended to provide for Deaf Smith County financing of qualified improvements through assessments.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Honorable D.J. Wagner, County Judge

Attest:

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County Clerk

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