

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING [NAME OF CITY¹/
COUNTY OF _____], NORTH CAROLINA TO
PARTICIPATE IN THE COMMERCIAL PROPERTY
ASSESSED CAPITAL EXPENDITURE (C-PACE)
PROGRAM**

WHEREAS, as required by N.C. Gen. Stat. § 160A-239.14(a)(1), the [_____] ², of the [Name of City/County of _____], North Carolina (the “[City/County]”) previously adopted Resolution No. [___] (the “Resolution of Intent”), declaring the intent of the [City/County] to participate in the Commercial Property Assessed Capital Expenditure (C-PACE Program) established under Article 10B of Chapter 160A of the General Statutes of North Carolina, as amended (the “C-PACE Act”); and

WHEREAS, as required by N.C. Gen. Stat. § 160A-239.14(b), on [_____] ³ the [City/County] held a public hearing on its intent to participate in the C-PACE Program; and

WHEREAS, as required by N.C. Gen. Stat. § 160A-239.14(a)(2), the [City/County] now desires to adopt a resolution to join the C-PACE Program;

NOW, THEREFORE, BE IT RESOLVED by the [Name of Governing Body] of the [City/County of _____], North Carolina as follows:

Section 1. The [City/County] hereby joins the C-PACE Program, and declares that its participation in the C-PACE Program shall be subject to and consistent with the provisions of the C-PACE Act, the terms of the C-PACE Program as established by the Economic Development Partnership of North Carolina as the Statewide Administrator of the C-PACE Program, and the Resolution of Intent.

Section 2. Nothing in this resolution shall be interpreted as authorizing the [City/County] to pledge, offer, or encumber its full faith and credit, and the [City/County] shall not pledge, offer, or encumber its full faith and credit in connection with any C-PACE Financing.

Section 3. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of any such provisions shall not affect the remaining provisions of such Resolution.

Section 4. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

¹ NTD: Insert name of City, Town or Village, and define as “City”, “Town” or “Village”

² NTD: Insert name of governing body (e.g., “Town Council” or “Board of Commissioners”).

³ NTD: Insert date of public hearing.

Section 5. This Resolution shall take effect [upon the concurrence of the governing body of the county in which the [City] is located.]⁴[upon its adoption.]⁵

* * * * *

ADOPTED AND APPROVED this ____ day of _____, 20__.

* * * * *

I, _____, Clerk to the [Governing Body] for the [Name of City/County of _____] Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the [Governing Body] of the City/County at a regular meeting duly called and held on _____.

WITNESS my hand and the official seal of the [City/County] this ____ day of _____, 20__.

_____, Clerk
[Governing Body]
[Name of City/County of _____]

(SEAL)

⁴ NTD: N.C. Gen. Stat. § 160A-239.15(b) makes resolutions adopted by municipalities effective only with the “concurrence of the governing body of the county in which the city is located.” For municipalities located in multiple counties, this language must be revised further to state: “upon the concurrence of all of the governing bodies of the counties in which the city is located.”

⁵ NTD: A resolution adopted by the governing board of a county should be made effective upon adoption.