BURKE COUNTY
NORTH CAROLINA

RESOLUTION DECLARING INTENT OF BURKE COUNTY, NORTH CAROLINA TO PARTICIPATE IN THE COMMERCIAL PROPERTY ASSESSED CAPITAL EXPENDITURE (C-PACE) PROGRAM

WHEREAS, Article 10B of Chapter 160A of the General Statutes of North Carolina, as amended (the "C-PACE Act"), authorizes the establishment of a statewide commercial property assessed capital expenditure (C-PACE) program (the "C-PACE Program") that local governments may voluntarily join; and

WHEREAS, the C-PACE Act authorizes the North Carolina Department of Commerce (the "Program Sponsor") to oversee the C-PACE Program and requires the Economic Development Partnership of North Carolina, Inc., a North Carolina nonprofit corporation (the "Statewide Administrator"), to administer the C-PACE Program and, in support thereof, provide certain administrative services described in N.C. Gen. Stat. § 160A-239.14; and

WHEREAS, the C-PACE Act and C-PACE Program permit willing owners of commercial, industrial, or agricultural real property, or residential real property with five or more dwelling units located in the jurisdictional boundaries of participating local governments ("Qualifying Commercial Property") to obtain direct financing ("C-PACE Financing") from a "capital provider" (as further defined in N.C. Gen. Stat. § 160A-239.12(1), "Capital Provider") for "qualifying improvements" (as further defined in N.C. Gen. Stat. § 160A-239.12(14), "Qualifying Improvements") approved by the Program Sponsor, including energy efficiency measures, resiliency measures, renewable energy measures, and water conservation measures; and

WHEREAS, under the C-PACE Act, C-PACE Financing shall be secured by a (a) voluntary assessment imposed on Qualifying Commercial Property by a local government for the total amount of such financing (the "C-PACE Assessment") and (b) lien on such Qualifying Commercial Property until the financing is paid in full (the "C-PACE Lien"); and

WHEREAS, Burke County, North Carolina, acting by and through its Board of Commissioners[1], desires to participate in the C-PACE Program and, in support thereof, adopt a resolution setting forth the items required by N.C. Gen. Stat. § 160A-239.15(a);

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Burke County, North Carolina as follows:

[1] NTD: Insert name of governing body (e.g., "Town Council" or "Board of Commissioners").

Confidential (C)

Section 1. Burke County hereby authorizes (a) the C-PACE Program to operate within its jurisdictional boundaries and (b) the Statewide Administrator to provide the administrative services described in N.C. Gen. Stat. § 160A-239.14.

Section 2. Burke County intends to (a) authorize C-PACE Financing within the jurisdictional boundaries of Burke County, (b) authorize the imposition of C-PACE Assessments to secure repayment of C-PACE Financing, (c) assign the C-PACE Lien to Capital Providers providing C-PACE Financing and (d) delegate billing, collection, and enforcement duties for the C-PACE Assessment and C-PACE Lien to Capital Providers.

Section 3. The amount of any C-PACE Financing and related C-PACE Assessment repayment terms shall be pursuant to an agreement by and among Burke County, the Statewide Administrator, a "property owner" (as defined in the C-PACE Act, a "Property Owner") and Capital Provider (an "Assessment Agreement") and a financing agreement between a Property Owner and a Capital Provider in which a Property Owner agrees to repay a Capital Provider for the C-PACE Financing provided, including, but not limited to, any finance charges, fees, debt servicing, accrual of interest and penalties, and any terms relating to the treatment of prepayment and partial payment, and the billing, collection, and enforcement of the C-PACE Financing.

Section 4. Brian Epley[2] shall, upon receipt from the Statewide Administrator of an approved project application for C-PACE Financing within the jurisdictional boundaries of Burke County, execute an Assessment Agreement, a Notice of C-PACE Assessment, and an Assignment of C-PACE Lien.

Section 5. Burke County shall be reimbursed by the Statewide Administrator for the actual and reasonable costs associated with the performance of the duties described in Section 4 hereof.

Section 6. A public hearing on the C-PACE Program will be held at 110 N Green St, Morganton NC 28655, Door E[3] on October 19, 2026 at 6:00 pm.[4] [5]

Section 7. Nothing in this resolution shall be interpreted as authorizing the [City/County] to pledge, offer, or encumber its full faith and credit, and Burke County shall not pledge, offer, or encumber its full faith and credit in connection with any C-PACE Financing.

Section 8. 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

[2] NTD: G.S. 160A-239.15(a)(4) requires the inclusion of a "statement identifying the local government *department or employee* that shall, upon receipt of an approved project application for C-PACE financing . . . execute" these documents. The name of such department or employee should be inserted.
[3] NTD: Insert location of public hearing.
[4] NTD: Insert date and time of public hearing.
[5] No guidance is provided in the statute as to how much notice of such public hearing should be provided or the manner of providing that notice.

or unenforceability of any such provisions shall not affect the remaining provisions of such Resolution.

Section 9. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 10. This Resolution shall take effect upon its adoption.

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ADOPTED AND APPROVED this 21st day of September, 2026.

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I, Morgan Buchanan, Clerk to the Board of Commissioners for Burke County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Board of Commissioners of Burke County at a regular meeting duly called and held on _____.

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

_____, Clerk
Burke County Board of Commissioners

(SEAL)

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