

**A RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO
REPLACING RESOLUTION 2008-034 THAT ADOPTED CERTAIN INCENTIVES
FOR THE USE OF RENEWABLE ENERGY FIXTURES**

WHEREAS, the Colorado Legislature adopted SB 07-145 during the 2007 legislative session and such bill is entitled "Concerning the Authority of Certain Local Governments to Offer Incentives for the Use of Renewable Energy Fixtures, and, in connection therewith, Enacting the 'Renewable Energy Incentives Act'"; and

WHEREAS, SB 07-145 provided that a county government may offer an incentive, in the form of a county property tax or sales tax credit or rebate to a residential or commercial property owner who installs a renewable energy fixture on his or her residential or commercial property; and

WHEREAS, the Board of County Commissioners of Ouray County, Colorado ("Board") adopted Resolution 2008-034 on June 16, 2008 which provided for certain incentives for the use of renewable energy fixtures; and

WHEREAS, Resolution 2008-034 provided for the refund of one percent (1%) of Ouray County sales tax for installation of qualified renewable energy fixtures; and

WHEREAS, on November 4, 2008, the electors of Ouray County approved an additional one percent (1%) sales tax, effective January 1, 2009, for a total of two percent (2%) Ouray County sales tax that may be refunded for installation of qualified renewable energy fixtures; and

WHEREAS, SB 07-145 defined "renewable energy fixture", however, the Board wishes to clarify the definition of "renewable energy fixture" set forth in Resolution 2008-034 as follows:

"qualified renewable energy fixture" shall include those energy efficient improvements actually installed on a property and that utilize renewable energy technologies (a) to heat and cool structures or heat water, such as geothermal heat pumps, biomass stoves and solar thermal systems; or (b) to generate all or part of the electrical needs of a residential or commercial property such as photovoltaic systems, small wind systems and fuel cell systems; and

WHEREAS, it is the intention of the Board to allow the refund of the two percent (2%) Ouray County sales tax for all of Ouray County including residential or commercial installations in the municipalities; and

WHEREAS, the funding for the incentives described herein and in Resolution 2008-034 shall be solely from the Ouray County General Fund;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, THAT RESOLUTION 2008-034 IS REPLACED, AS FOLLOWS:

1. Effective January 1, 2009 a refund equal to the Ouray County sales tax paid by a property owner will be made for the purchase and installation of qualified renewable energy fixtures on commercial or residential properties in Ouray County, including the municipalities.
2. To qualify for the refund, a property owner shall fill out an application form and provide the appropriate documentation of the type of renewable energy fixture installed and proof that Ouray County sales tax was paid on the

renewable energy fixture. The Ouray County Planner shall review and approve or deny the refund within thirty days of the receipt of a completed application. If the refund is approved, a copy of the refund application shall be forwarded to the Finance Department for payment of the refund to the owner. If the refund application is denied, the owner may appeal such denial and request that the Board review the application.

3. In addition to the incentives provided by SB 07-145, the Board authorizes the refund of building permit fees associated with the installation of any renewable energy fixture that requires a building permit pursuant to the provisions of the Ouray County Land Use Code. The refund shall be for the permit fee only and not for the plan check fee. To qualify for the refund of building permit fees, the owner shall follow the same procedure as is set out in paragraph 2 above. The refund of permit fees shall be capped at a total of \$350.00 per building permit application.
4. The Board may adopt additional administrative policies and procedures to implement the incentive programs set forth herein.
5. On an annual basis, during the budget preparation process for the ensuing year, the incentive program for renewable energy fixtures shall be reviewed, with such review addressing, among other things, the amounts refunded under the program and whether any modifications to the program should be made.
6. All requests for refund shall be submitted to the Ouray County Planner within one year of the date of the payment of the sales tax or the building permit fees the applicant seeks to have refunded.
7. In administering this incentive program, the definition of "qualified renewable energy fixture" shall be interpreted as broadly as possible and shall mean the following:

"qualified renewable energy fixture" shall include those energy efficient improvements actually installed on a property and that utilize renewable energy technologies (a) to heat and cool structures or heat water, such as geothermal heat pumps, biomass stoves and solar thermal systems; or (b) to generate all or part of the electrical needs of a residential or commercial property such as photovoltaic systems, small wind systems and fuel cell systems.

APPROVED AND ADOPTED THIS ____ DAY OF _____, 2009.

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Attest:

Heidi M. Albritton, Chair

K. Keith Meinert, Vice-Chair

Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of
the Board

Lynn M. Padgett, Commissioner