

RESOLUTION NO. - _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN MONROE COUNTY BY PARTICIPATING IN THE PACE PROGRAMS OF THE FLORIDA GREEN FINANCE AUTHORITY, THE FLORIDA PACE FUNDING AGENCY, THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT, AND THE FLORIDA RESILIENCY AND ENERGY DISTRICT TO PROVIDE A MECHANISM FOR THE VOLUNTARY FINANCING OF ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS, RENEWABLE ENERGY IMPROVEMENTS, AND WIND RESISTANCE IMPROVEMENTS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA GREEN FINANCE AUTHORITY, A NON-EXCLUSIVE INTERLOCAL AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY, A NON-EXCLUSIVE MEMBERSHIP AGREEMENT WITH THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT, AND A NON-EXCLUSIVE LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA RESILIENCY AND ENERGY DISTRICT, PURSUANT TO WHICH SUCH ENTITIES OR THEIR ADMINISTRATORS WILL ADMINISTER THEIR RESPECTIVE VOLUNTARY PACE FINANCING PROGRAM FOR SUCH IMPROVEMENTS WITHIN ALL MONROE COUNTY; AUTHORIZING AND DIRECTING COUNTY OFFICIALS, OFFICERS, AND EMPLOYEES TO TAKE SUCH ACTIONS AS MAY BE NECESSARY OR DESIRABLE IN FURTHERANCE OF THE PURPOSES OF THIS RESOLUTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 163.08, Florida Statutes (the “Act”), authorizes counties, municipalities and separate local government entities to establish and administer financing programs pursuant to which owners of real property may obtain funding for energy conservation and efficiency, renewable energy and wind resistance improvements (referred to in the Act as “Qualifying Improvements”), and repay such funding through voluntary special assessments, non-ad valorem assessments (“Special Assessments”), levied upon the improved property pursuant to financing agreements between the owner thereof and the local government (collectively, “PACE Program”); and

WHEREAS, pursuant to the Act, local governments may enter into a partnership with other local governments for the purpose of providing and financing Qualifying Improvements, and a PACE Program may be administered by a third party at the discretion of the local government; and

WHEREAS, installing Qualifying Improvements on existing structures can reduce the burdens resulting from fossil fuel energy production, including greenhouse gas reductions; and

WHEREAS, increased energy conservation, and installing wind resistance improvements on existing structures can reduce repair and insurance costs, and the burdens placed on surrounding properties resulting from high wind storms and hurricanes; and

WHEREAS, the Florida Green Finance Authority, the Florida PACE Funding Agency, the Green Corridor Property Assessment Clean Energy (PACE) District, and the Florida Resiliency and Energy District are currently four separate legal entities (PACE providers) within the State of Florida which were established by separate interlocal agreements for the express purpose of providing a scalable and uniform platform to facilitate the financing of Qualifying Improvements to local governments throughout Florida; and

WHEREAS, the PACE providers undertake all such acts as are necessary to provide a uniform and scalable statewide platform in Florida, so that, when authorized by individual local governments, the PACE providers can facilitate the provision, funding and financing of energy conservation, renewable energy, and wind-resistance improvement to Florida properties; and

WHEREAS, since each of the PACE providers has provided evidence to Monroe County (the “County”) that each of the respective PACE Programs has created open public governance and oversight and qualified third-party administration, each of the PACE providers can commence their respective PACE Program in all areas of Monroe County for the benefit of the residents thereof; and

WHEREAS, the availability of the voluntary, non-exclusive PACE Programs offered by each of the PACE providers (without cost to, assumption of liability by, or demand upon the credit of the County) and the voluntary participation in such PACE Programs by property owners will provide an alternative financing option to finance and repay the costs to provide and install Qualifying Improvements to property owners in all areas of Monroe County; and

WHEREAS, the Board of County Commissioners (the “Board”) finds that local needs and conditions reasonably warrant the establishment of each of the PACE providers non-exclusive PACE Programs within all areas of Monroe County as a direct and immediate means to non-exclusively implement Section 163.08, Florida Statutes; and

WHEREAS, each of the referenced agreements provides non-exclusive means to achieve the compelling State interests and public purposes described in the Act; and

WHEREAS, the Board deems it to be in the best interest of the citizens and residents of Monroe County to authorize the appropriate County officials to execute, each of the referenced agreements, in substantially the forms attached hereto, to provide a non-exclusive means to implement Section 163.08, Florida Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

SECTION 1. RECITALS. The recitals set forth above are adopted by the Board as the findings of the County and are incorporated herein.

SECTION 2. NON-EXCLUSIVE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA GREEN FINANCE AUTHORITY. The non-exclusive Party Membership Agreement between the County and the Florida Green Finance Authority (the “Party Membership Agreement”), in substantially the form attached hereto as Exhibit A-1, and incorporated herein, is approved. The Mayor is hereby authorized and directed to execute the Party Membership Agreement on behalf of the County. A copy of the Interlocal Agreement between the Florida Green Finance Authority, the Town of Lantana and the Town of Mangonia Park, the First Amended and Restated Interlocal Agreement forming the Florida Green Finance Authority, and the Second Amended and Restated Interlocal Agreement forming the Florida Green Finance Authority are also attached hereto and incorporated herein as Exhibit A-2.

SECTION 3. NON-EXCLUSIVE INTERLOCAL AGREEMENT RELATING TO THE FUNDING AND FINANCING OF QUALIFYING IMPROVEMENTS BY THE FLORIDA PACE FUNDING AGENCY. The Non-Exclusive Interlocal Agreement Relating to the Funding and Financing of Qualifying Improvements between the County and the Florida PACE Funding Agency (the “Non-Exclusive Interlocal Agreement”), in substantially the form attached hereto as Exhibit B-1, and incorporated herein, is approved. The Mayor is hereby authorized and directed to execute the Non-Exclusive Interlocal Agreement on behalf of the County. A copy of the Amended and Restated Interlocal Agreement Relating to the Establishment of the Florida PACE Funding Agency is also attached hereto and incorporated herein as Exhibit B-2.

SECTION 4. NON-EXCLUSIVE MEMBERSHIP AGREEMENT WITH THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT. The non-exclusive Membership Agreement between the County and the Green Corridor Property Assessment Clean Energy (PACE) District (the “Membership Agreement”), in substantially the form attached hereto as Exhibit C-1 and incorporated herein, is approved. The Mayor is hereby authorized and directed to execute the Membership Agreement on behalf of the County. A copy of the Amended and Restated Interlocal Agreement between the Town of Cutler Bay, Village of Palmetto Bay, Village of Pinecrest, City of South Miami, Miami Shores Village, City of Coral Gables and City of Miami is also attached hereto and incorporated herein as Exhibit C-2.

SECTION 5. NON-EXCLUSIVE LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT WITH FLORIDA RESILIENCY AND ENERGY DISTRICT. The non-exclusive Limited Purpose Party Membership Agreement between the County and the Florida Resiliency and Energy District (the “Limited Purpose Party Membership Agreement”), in substantially the form attached hereto as Exhibit D-1, and incorporated herein, is approved. The Mayor is hereby authorized and directed to execute the Limited Purpose Party Membership Agreement on behalf of the County. A copy of the Interlocal Agreement Relating to the Creation of the Florida Resiliency and Energy District and the Amended and Restated Agreement Relating to the Creation of the Florida Resiliency and Energy District is also attached hereto and incorporated herein as Exhibit D-2.

SECTION 6. PROGRAM BOUNDARIES. The provisions of this Resolution shall include the legal boundaries of Monroe County, Florida, including municipalities and unincorporated areas, unless in conflict with or repealed by a municipal ordinance. The intention of the County Commission being to allow for multiple non-exclusive service opportunities to interested

private property owners, so that all property owners have a wide variety of competitive choices from qualified local governments. Nothing in this resolution shall be construed as excluding any municipality from creating an additional, separate or standalone program at any time.

SECTION 7. AUTHORIZATIONS. The Mayor, the County Administrator of the County, the Clerk of the Circuit Court, and such other officers and employees of the County as may be designated by the County Administrator, are authorized and directed, collectively or individually, to take such actions and execute and deliver such other documents as may be necessary or desirable, and which are specifically authorized by or are not inconsistent with the terms of this Resolution or the agreements herein approved, in furtherance of the purposes set forth in this Resolution.

SECTION 8. SEVERABILITY. If any one or more of the provisions of this Resolution shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision contained herein.

SECTION 9. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

**STATE OF FLORIDA
COUNTY OF MONROE**

PASSED AND ADOPTED this _____ day of _____, A.D., 2018.

MONROE COUNTY

MAYOR DAVID RICE

ATTEST:

**KEVIN MADOK
COUNTY CLERK**

EXHIBIT A-1

Florida Green Finance Authority Party Membership Agreement

EXHIBIT A-2

Interlocal Agreement between the Florida Green Finance Authority, the Town of Lantana and the Town of Mangonia Park, the First Amended and Restated Interlocal Agreement forming the Florida Green Finance Authority and the Second Amended and Restated Interlocal Agreement forming the Florida Green Finance Authority

EXHIBIT B-1

**Florida PACE Funding Agency Non-Exclusive Membership Agreement Relating to
the Funding and Financing of Qualifying Improvements**

EXHIBIT B-2

**Amended and Restated Interlocal Agreement Relating to the Establishment of the
Florida PACE Funding Agency**

EXHIBIT C-1

**Green Corridor District
Membership Agreement**

EXHIBIT C-2

**Amended and Restated Interlocal Agreement between the Town of Cutler Bay,
Village of Palmetto Bay, Village of Pinecrest, City of South Miami, Miami Shores
Village, City of Coral Gables and City of Miami**

EXHIBIT D-1

**Florida Resiliency and Energy District Limited Purpose Party
Membership Agreement**

EXHIBIT D-2

Interlocal Agreement Relating to the Creation of the Florida Resiliency and Energy District and the Amended and Restated Agreement Relating to the Creation of the Florida Resiliency and Energy District