

RESOLUTION NO. 2018-08

A RESOLUTION OF THE VILLAGE OF EL PORTAL, FLORIDA, ESTABLISHING A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN THE CORPORATE LIMITS OF THE CITY OF CITY/TOWN/VILLAGE NAME; APPROVING INTERLOCAL AGREEMENTS WITH THE FLORIDA GREEN FINANCE AUTHORITY, THE FLORIDA RESILIENCY AND ENERGY DISTRICT AND THE FLORIDA PACE FUNDING AGENCY; TO WHICH THE ENTITIES WILL ADMINISTER VOLUNTARY NON-AD VALOREM FINANCING OF QUALIFYING CONSERVATION AND ENERGY EFFICIENCY, RENEWABLE ENERGY AND WIND RESISTANCE IMPROVEMENTS; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENTS; PROVIDING FOR THE USE OF THE CITY'S LOGO; AND PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, SCRIVENER'S ERRORS, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, Section 163.08, *Florida Statutes* (the "Supplemental Act"), authorizes counties, municipalities and certain 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 (as referred to therein, the "Qualifying Improvements"), and repay such funding through voluntary special assessments, sometimes referred to as non-ad valorem assessments ("Special Assessments"), levied upon the improved property pursuant to financing agreements between the owner thereof and the local government (the "Financing Agreements"); and

WHEREAS, the Florida Resiliency and Energy District and the Florida PACE Funding Agency (individually the "Agency", collectively the "Agencies") are currently three (3) separate legal entities and units of local government within the State of Florida which were established by separate interlocal agreements for the express purpose of providing scalable and uniform platform to facilitate the financing of Qualifying Improvements throughout Florida; and

WHEREAS, pursuant to the Supplemental Act or as otherwise provided by law, local governments may enter into a partnership with other local governments for the purpose of providing and financing Qualifying Improvements, and a Qualifying Improvement Program may be administered by a third party for-profit entity or a not for profit organization on behalf of or at the discretion of the local government; and

WHEREAS, the installation of Qualifying Improvements may increase energy efficiency and improve the wind resistance of existing structures within the City of CIT NAME thereby reducing the burdens from fossil fuel energy production and contributing to the local economy by cost savings to property owners, enhancing property values and increasing job opportunities; and

WHEREAS, the upfront costs of Qualifying Improvements impede installation and existing financing options may be insufficient for property owners to access cost-effective financing for

energy-saving or wind-resistance property improvements due to requirements associated with traditional debt or equity financing options; and

WHEREAS, the Agencies have already created the financing, levy and collection process to implement PACE Programs through local government partners without cost to or assumption of liability by, or demand upon the credit of the Village of El Portal; and

WHEREAS, the Village of El Portal is presently without adequate, currently available and recurring funds to establish a program similar to the Agencies Programs; and recognizes that if it does initiate its own program it may be necessary that it commit significant time, staffing and monetary resources derived from all taxpayers, and that if it borrows the moneys necessary for such purpose and secures repayment by the proceeds derived from non-ad valorem assessments it imposes, it will likely face a demand from credit markets for an additional pledge of other City revenues; however as an alternative or supplement to any other program or approach chosen by the city , the city can concurrently an presently authorizes and approve the Agency to separately make the Agency’s non-exclusive program and funding for Qualified Improvements immediately to property owners and the local economy; and

WHEREAS, the Village of El Portal City Council deems it to be in the best interest of the citizens and residents of the Village of El Portal to authorize the appropriate City officials to execute agreements between the Florida Green Finance Authority, the Florida Pace Funding Agency, The Florida Resiliency and Energy District and the City in an effort to provide an alternative, supplemental and nonexclusive means to achieve, inter alia, immediate and careful local economic development, commerce and job creation, as well compelling state interest and public purposes described in the Supplemental Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The City Council hereby adopts and incorporates into this Resolution the City staff report and City Council agenda memorandum relating to this Resolution. The forgoing recitals are incorporated in this Resolution as if fully set forth herein and are approved and adopted. The City Council has complied with all requirements and procedures of Florida law in processing and noticing this Resolution.

SECTION 2. ESTABLISHMENT OF PACE PROGRAM. The City Council hereby establishes a Property Assessed Clean Energy (PACE) program within the City Limits of the Village of El Portal.

SECTION 3. APPROVAL OF AGREEMENTS; AUTHORIZATION TO EXECUTE, ETC.

- (a). The City Council approves the following agreements:
 - (1). Attached hereto and incorporated herein as Exhibit “A”.
 - (2). Attached hereto and incorporated herein as Exhibit “B”.

- (3). Attached hereto and incorporated herein as Exhibit "C".
- (4). Attached hereto and incorporated herein as Exhibit "D".

(b). The City Council hereby authorizes the Mayor to execute the aforementioned agreements.

SECTION 4. IMPLEMENTING ADMINISTRATIVE ACTIONS; USE OF CITY LOGO.

(a). The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

(b). Pursuant to Section 2-13 of the *Code of Ordinances of the Village of El Portal, Florida*, the City Council hereby authorize the use and display the City logo solely for communicative purposes associated with the PACE program as determined by the City Manager.

SECTION 5. SCRIVENER'S ERRORS. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

SECTION 6. CONFLICTS. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 7. SEVERABILITY. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

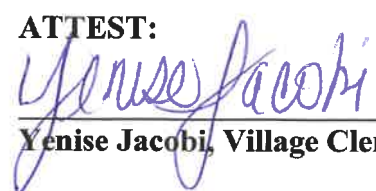
SECTION 8. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 24th day of April, 2018.



Claudia V. Cubillos
MAYOR of the Village of El Portal, Florida

ATTEST:



Yenise Jacobi, Village Clerk