



VILLAGE OF KEY BISCAYNE



Village Council
Mayra P. Lindsay, *Mayor*
Franklin H. Caplan, *Vice Mayor*
Luis F. de la Cruz
Gary R. Gross
Allison McCormick
Brett G. Moss
Katie Petros

DATE: June 25, 2018
TO: Honorable Mayor and Members of the Village Council
FROM: John C. Gilbert, Village Manager
RE: Property Assessment Clean Energy (PACE) Program,

RECOMMENDATION

It is recommended that the Village Council approve the attached Resolution approving Property Assessment Clean Energy (PACE) Programs with the Florida Green Finance Authority, the Florida Resiliency and Energy District and the Florida Pace Funding Agency.

BACKGROUND

On April 22, 2014, the Village Council adopted Resolution 2014-13 authorizing the creation of a PACE Program and agreeing to join the Green Corridor Property Assessment Clean Energy (PACE) District.

The Florida Green Finance Authority, the Florida Resiliency and Energy District, and the Florida PACE Funding Agency 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 PACE Programs. PACE is a financing program designed to help qualifying homeowners invest in specified energy efficiency and renewable energy improvements such as solar panels, impact resistant windows and energy efficient heating. The three agencies would like to offer their PACE programs to residents of Key Biscayne.

Reviewed by Mr. Chad Friedman of Weiss Serota Helfman Cole & Bierman, P.L. as to form and legal sufficiency.

RESOLUTION NO. 2018- _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, APPROVING PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAMS WITH THE FLORIDA GREEN FINANCE AUTHORITY, THE FLORIDA RESILIENCY AND ENERGY DISTRICT, AND THE FLORIDA PACE FUNDING AGENCY; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN 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, commonly known as Property Assessed Clean Energy (PACE) Programs ("PACE Programs"), in order to provide the up-front financing for energy conservation and efficiency, renewable energy and wind resistance improvements ("Qualifying Improvements"), and repay such funding through voluntary special assessments, sometimes referred to as non-ad valorem assessments, levied upon the improved property pursuant to financing agreements between the property owner and the local government; and

WHEREAS, on April 22, 2014, the Village of Key Biscayne ("Village") Council adopted Resolution No. 2014-13 authorizing the creation of a PACE Program and agreeing to join the Green Corridor Property Assessment Clean Energy (PACE) District; and

WHEREAS, the Florida Green Finance Authority, the Florida Resiliency and Energy District, and the Florida PACE Funding 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 PACE Programs in scalable and uniform platforms to facilitate the financing of Qualifying Improvements throughout Florida; and

WHEREAS, the Agencies would like to offer their PACE Programs within the Village;
and

WHEREAS, the Village Council finds that this Resolution is in the best interest and
welfare of the residents of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE
VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. Each of the above-stated recitals are hereby adopted, confirmed,
and incorporated herein.

Section 2. Approval. The Village approves the Agencies to operate PACE Programs
within the Village.

Section 3. Authorization. The Village Manager is hereby authorized to negotiate and
enter into agreements with (a) the Florida Green Finance Authority, (b) Florida PACE Funding
Agency, and (c) the Florida Resiliency Energy District, subject to approval by the Village Attorney
as to form, content, and legal sufficiency.

Section 4. Effective Date. That this Resolution shall be effective immediately upon
adoption.

PASSED and ADOPTED this _____ day of _____, 2018.

MAYOR MAYRA PEÑA LINDSAY

ATTEST:

JENNIFER MEDINA, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

VILLAGE ATTORNEY