

RESOLUTION NO. 17-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING A PROPERTY ASSESSED CLEAN ENERGY PROGRAM AND JOINING THE FLORIDA GREEN FINANCE AUTHORITY FOR PURPOSES OF PARTICIPATING IN THE RENEWPACE PROGRAM IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; ADOPTING AN INTERLOCAL AGREEMENT PURSUANT TO SECTION 163.01, FLORIDA STATUTES RELATING TO THE FLORIDA GREEN FINANCE AUTHORITY AND THE RENEWPACE PROGRAM; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2010, the Florida Legislature adopted HB 7179 (Fla. Stat. § 163.08) (the "Bill"), which allows local governments to create Property Assessed Clean Energy (PACE) programs in order to provide the upfront financing for energy conservation and efficiency (i.e. energy-efficient heating, cooling, or ventilation systems), renewable energy (i.e. solar panels), wind resistance (i.e. impact resistant windows) and other improvements that are not inconsistent with state law (the "Qualifying Improvements"); and

WHEREAS, PACE programs not only assist residents and business owners in reducing their carbon footprint and energy costs, but also stimulate the local economy by the creation of needed construction jobs; and

WHEREAS, the Bill authorizes local governments that create PACE programs to enter into a partnership in order to provide more affordable financing for the installation of the Qualifying Improvements; and

WHEREAS, given the wide spread energy and economic benefits of PACE programs, the City of Fort Lauderdale's City Commission ("City Commission") desires to join the Florida Green Finance Authority ("Authority") in order to provide the upfront financing to property owners for Qualifying Improvements and to enter into an interlocal agreement with the Authority for the purpose of financing such improvements; and

WHEREAS, the City Commission finds that this Resolution is in the best interest and welfare of the residents of the City of Fort Lauderdale;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AS FOLLOWS:

SECTION 1. That the above recitals are true and correct and are incorporated herein by reference.

SECTION 2. That the City Commission hereby creates a PACE Program pursuant to Fla. Stat. § 163.08 for the purpose of providing upfront financing to property owners for Qualifying Improvements.

SECTION 3. That the City Commission hereby approves a Party Membership Agreement to a non-exclusive interlocal subscription agreement pursuant to Fla. Sta. § 163.01 between the City of Fort Lauderdale the Florida Green Finance Authority to implement the RenewPACE program in substantially the form attached hereto as Exhibit "A" relating to the Florida Green Finance Authority (the "Interlocal Agreement").

SECTION 4. That the City Manager or designee is hereby authorized to execute the Interlocal Agreement.

SECTION 5. This Resolution shall take effect immediately upon adoption.

ADOPTED this the 7th day of February, 2017.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI

EXHIBIT A

Party Membership Agreement To The Florida Green Finance Authority

WHEREAS, Section 163.01, F.S., the "Florida Interlocal Cooperation Act of 1969," authorizes local government units to enter into interlocal agreements for their mutual benefit; and

WHEREAS, the Town of Lantana, Florida, a Florida municipal corporation ("Lantana") and the Town of Mangonia Park, Florida, a Florida municipal corporation, ("Mangonia Park") entered into an Interlocal Agreement, dated June 11, 2012, as first amended on August 11, 2014 and second amended on April 7, 2016 with document execution on May 9, 2016, establishing the Florida Green Finance Authority as a means of implementing and financing a qualifying improvements program for energy and water conservation and efficiency, renewable energy and wind-resistance improvements, and to provide additional services consistent with law; and

WHEREAS, the City of Fort Lauderdale desires to become a member of the Florida Green Finance Authority in order to facilitate the financing of qualifying improvements for properties located within the City of Fort Lauderdale.

NOW, THEREFORE, it is agreed as follows:

1. The Interlocal Agreement between the Florida Green Finance Authority, the Town of Lantana and the Town of Mangonia Park, entered into on June 11, 2012 and as amended on August 11, 2014 and April 7, 2016 with document execution May 9, 2016 (the "Interlocal Agreement"), for the purpose of facilitating the financing of qualifying improvements for properties located within the Authority's jurisdiction via the levy and collection of voluntary non-ad valorem assessments on improved property, is hereby supplemented and amended on the date last signed below by this Party Membership Agreement, which is hereby fully incorporated into the Interlocal Agreement, to include the City of Fort Lauderdale.

2. The Florida Green Finance Authority, together with its member Parties, and the City of Fort Lauderdale, with the intent to be bound thereto, hereby agree that the City of Fort Lauderdale shall become a Party to the Interlocal Agreement together with all of the rights and obligations of Parties to the Interlocal Agreement.

3. The Service Area of the Florida Green Finance Authority shall include the legal boundaries of the City of Fort Lauderdale, as the same may be more specifically designated by the City of Fort Lauderdale or amended from time to time.

4. The Florida Green Finance Authority shall provide the City of Fort Lauderdale with a quarterly report on the RenewPACE program activities within the City of Fort Lauderdale.

4. The City of Fort Lauderdale designates the following as the respective place for any notices to be given pursuant to the Interlocal Agreement Section 27:

The City of Fort Lauderdale:

Attn: City Clerk, City of Fort Lauderdale
100 N. Andrews Avenue, 7th Floor
Fort Lauderdale, FL 33301

With a copy to:

City Attorney, City of Fort Lauderdale

100 N. Andrews Avenue
Fort Lauderdale, FL 33301

5. This Party Membership Agreement shall be filed by the Authority with the Clerk of the Court in the Public Records of Palm Beach County as an amendment to the Interlocal Agreement and recorded in the public records of the City of Fort Lauderdale, in accordance with Section 163.01(11), Florida Statutes.

IN WITNESS WHEREOF, the Parties hereto subscribe their names to this Interlocal Agreement by their duly authorized officers.

ATTEST:

The Florida Green Finance Authority, a separate legal entity established pursuant to Section 163.01(7), Florida Statutes

By: _____
Secretary of the Authority

By: _____
Chair of the Authority

Approved by Authority Attorney
as to form and legal sufficiency

Authority Attorney

ATTEST:

CITY OF FORT LAUDERDALE, through its
CITY COMMISSION

City Clerk
Clerk of the City Commission of
the City of Fort Lauderdale, Florida

By: _____
Chair

____ day of _____, 20____.

Approved as to form by:
City of Fort Lauderdale, City Attorney
100 N. Andrews Avenue
Fort Lauderdale, FL 33301

By: _____
NAME (Date)
City Attorney