

**RESOLUTION NO. 2020 – 3854**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA; ESTABLISHING A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN THE CORPORATE LIMITS OF MIAMI SPRINGS; APPROVING AN INTERLOCAL AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY; TO WHICH THE ENTITY 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; 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 Green Finance Authority is currently a legal entity and a unit of local government within the State of Florida established through an interlocal agreement 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 City of Miami Springs 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 Agency has created the financing, levy and collection process to implement PACE Programs and will cooperate with the City, without cost to or assumption of liability by, or demand upon the credit of City of Miami Springs; and

**WHEREAS**, the City of Miami Springs 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 were to borrow the moneys necessary for such purpose and secure 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 of Miami Springs, the City can concurrently an presently authorize and approve the Agencies to separately make each Agency's non-exclusive program and funding for Qualified Improvements immediately to property owners and the local economy; and

**WHEREAS**, the City Council deems it to be in the best interest of the citizens and residents of City of Miami Springs to authorize the appropriate City officials to execute an agreement between the Florida PACE Funding Agency 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 City of Miami Springs, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** 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 authorizes the availability of a Property Assessed Clean Energy (PACE) program within the City Limits of the City of Miami Springs.

**Section 3. Authorization.**

(a). The City Council approves the following agreement:

(1). Florida Green Finance Authority Agreement attached hereto and incorporated herein as Exhibit "A".  
herein as Exhibit "C".

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

aforementioned agreement.

**Section 4. Implementation.** 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.

**Section 5. Effective Date.** This Resolution shall become effective immediately upon its passage and adoption.

The foregoing Resolution was offered by Councilman Best, who moved its adoption. The motion was seconded by Vice Mayor Mitchell, and upon being put to a vote, the vote was as follows:

Vice Mayor Maria Puente Mitchell	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Mara Zapata	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>

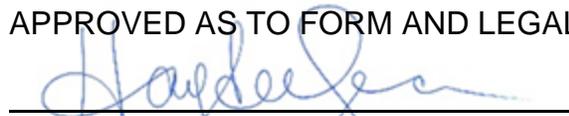
**PASSED AND ADOPTED** on this 10<sup>th</sup> day of February, 2020.

  
\_\_\_\_\_  
BILLY BAIN, MAYOR

ATTEST:

  
\_\_\_\_\_  
ERIKA GONZALEZ-SANTAMARIA, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
WEISS SEROTA HELFMAN COLE & BIERMANN, P.L.  
CITY ATTORNEY