RESOLUTION NO. 2018-R-49

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, AUTHORIZING THE CITY MANAGER TO EXECUTE INTERLOCAL AGREEMENTS WITH THE FLORIDA RESILIENCY AND ENERGY DISTRICT, THE FLORIDA PACE FUNDING AGENCY, AND OTHER QUALIFYING PACE AGENCIES IN ACCORDANCE WITH SECTION 163.01, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2010, the Florida Legislature adopted HB 7179 (Section 163.08, F.S.)(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 through job creation; and

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

WHEREAS, the State of Florida allows for separate legal entities and units of local government to establish interlocal agreements for the express purpose of providing a scalable and uniform platform to facilitate financing of Qualifying Improvements throughout Florida, and agreements with multiple PACE agencies will provide a broader selection of services, contractors, and more competitive rates for residents; and

WHEREAS, on March 10, 2015, the City of North Miami ("City") adopted Resolution 2015-R-28, creating a PACE program within the City, authorizing the execution of an interlocal agreement to join the Clean Energy Coastal Corridor and enabling residents to receive PACE financing services from Ygrene Energy Fund, LLC; and

WHEREAS, on March 13, 2018, the City adopted Resolution 2018-R-33, authorizing the execution of an interlocal agreement to join the Florida Green Finance Authority in order to provide the upfront financing to property owners for Qualifying Improvements and to continue the widespread energy savings and economic benefits of PACE programs; and

WHEREAS, Objective 1.10 of the City of North Miami Comprehensive Plan requires that the City encourage sustainable development and implement green building requirements for development and redevelopment projects to reduce energy usage, landfill waste and emissions, create a healthy indoor environment, conserve building materials and resources, and promote water efficiency; and

WHEREAS, the City seeks to further expand the PACE program to allow for additional qualified local agency providers in order to create more options for City businesses and residents; and

WHEREAS, the Mayor and City Council of the City of North Miami find that this Resolution is in the best interest and welfare of the residents of North Miami.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Expansion of PACE Program.** The Mayor and City Council of the City of North Miami hereby expand the PACE Program pursuant to section 163.08, Florida Statutes, for the purpose of providing the upfront financing to property owners for Qualifying Improvements.

Section 3. **Adoption of Interlocal Agreements.** The Mayor and City Council of the City of North Miami, pursuant to section 163.01, Florida Statutes, hereby approve the interlocal agreements between the City of North Miami and the Florida Resiliency and Energy District (Exhibit A) and the Florida PACE Funding Agency (Exhibit B) in substantially the attached forms.

Section 4. **Authorization.** The City Manager or designee is hereby authorized to negotiate and execute the Interlocal Agreements and any additional interlocal agreements with any other qualifying PACE agencies.

Section 5. **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 24th day of April, 2018.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Desulme

Seconded by: Galvin

Vote:

Mayor Smith Joseph, D.O., Pharm. D.	X (Yes)	___ (No)
Vice Mayor Carol Keys, Esq.	X (Yes)	___ (No)
Councilman Scott Galvin	X (Yes)	___ (No)
Councilman Philippe Bien-Aime	X (Yes)	___ (No)
Councilman Alix Desulme	X (Yes)	___ (No)