

Resolution 15-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, PROVIDING A MECHANISM FOR THE FINANCING OF CLEAN ENERGY AND WIND RESISTANCE IMPROVEMENTS AS DESCRIBED IN F.S. 163.08, AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE INTERLOCAL AGREEMENT WITH THE \_\_\_\_\_ DISTRICTS TO PROVIDE AN ASSESSMENT FINANCING PROGRAM FOR SUCH IMPROVEMENTS WITHIN THE BOUNDARIES OF THE COUNTY AND ALL INCORPORATED AREAS THEREIN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, installing clean energy retrofits, or “Qualifying Improvements,” that constitute production of renewable energy and reduction of fossil fuel-generated energy consumption on existing buildings, including but not limited to efficient, renewable equipment incorporating air, water, and electrical functions, may reduce the burdens of energy demand and greenhouse gas emissions for whole communities, affirming the legislature’s purposes of energy independence and public health and safety; and

WHEREAS, the expansion of financing options and local government support for clean energy upgrades may stimulate economic activity in the construction, solar, and related industries in local areas, and as activity in those industries effect demonstrable growth in jobs and fiscal benefits for local businesses; and

WHEREAS, Alachua County and its municipalities aim to support economic development, and foster local businesses, as well as encourage small businesses, all of which may benefit from tax incentives, green business certification, lower operating costs, and other possible effects of installing Qualifying Improvements; and

WHEREAS, the respective financing programs offered by the Green Corridor District, Florida Green Finance Authority, and Florida PACE Funding Agency (the “Districts”) vis-à-vis the financing mechanism known as Property Assessed Clean Energy (PACE) shall constitute an additional tool in the clean energy toolbox for property owners of Alachua County, which desires to encourage the availability of a range of flexible financing options for property owners to adopt solar technology, increase their properties’ efficiency, and protect their properties against storm damage; and no aspect of the financing program shall bind either property owners or the County or its municipalities to any PACE activities exclusive of similar programs; and

WHEREAS, each District has provided evidence to Alachua County that it has assembled and is accountable for, at its expense, not that of the taxpayers of the County, open public governance and oversight as per the Special District Accountability Program, staffing for essential program administrative functions, in the form of a qualified third-party Administrator

(“Administrator”), dedicated legal counsel, and bond trustees and dedicated capital providers, (2) the District is ready to conduct project proposal reviews, arrange and originate funding for Qualifying Improvements, and (3) the District presently has large scale funding in place, secured under an executed bond purchase agreement, disclosures of which have been made available to the County, and available through a critical mass of local, regional, and national capital providers; and

WHEREAS, the Districts and their respective Administrators shall employ multiple levels of review processes and implement underwriting standards to avoid improper or imprudent project funding, infringement of existing contracts regarding encumbrances on the property, or fraud, in addition to those measures provided for by the Supplemental Act; and

WHEREAS, the County has carefully evaluated all PACE providers in Florida, reviewed case studies and program data related to PACE around the nation, and examined the legal aspects of and challenges to PACE, and has developed a list of guidelines and specific qualifications intended to mitigate risk to all parties, including but not limited to, the County, local property owners, mortgage lenders to those property owners, and local contractors; and

WHEREAS, each District and its Administrator has demonstrated their capacity to foster local and regional partnerships with commercial and industrial groups, banking institutions and credit unions, educators, energy auditors, contractors, suppliers and installers, so as to limit the consequent costs to program participants; and

WHEREAS, each District shall provide for and share limited liability with its local government members, and place no debts or obligations for its torts or actions with those members; and each District’s third-party Administrator has indemnified the District and by extension its member jurisdictions; and

WHEREAS, the County finds that local market needs may be met and conditions improved by the implementation of the PACE programs, which may boost local economic activity in the construction and banking industries, create direct, indirect, and indirect jobs, lower operating costs for local businesses that employ a significant percentage of Alachua County residents; and

WHEREAS, the PACE mechanism offered by the Districts offers reasonable opportunity for benefits to the health, prosperity, and welfare of the enrolling property owners as well as all residents of the County, and for these purposes, the County shall implement PACE by joining its jurisdiction to the authority of the Districts for funding, per the terms of each District Membership Agreement executed separately; and

Now, therefore, be it resolved by the Board of County Commissioners of Alachua County, Florida:

1. That the Board finds, determines, and declares that the recitals in the preamble are true and correct and hereby incorporates them by reference.
2. The Interlocal Agreement(s) ("District Membership Agreement"), a copy of which is attached hereto as Exhibit "A," and incorporated herein, is hereby approved.
3. Through adoption of this Resolution and execution of the District Membership Agreement as provided hereunder, the County is expressly authorizing PACE Administrators to provide its services, as per the terms of its agreement with the associated District, within the County's unincorporated and incorporated areas, pursuant to the District Membership Agreement between the Districts and the County. This document shall be deemed to constitute a Resolution of the County authorizing the power of the Districts to provide their funding and of their Administrators to conduct their affairs within the County according to the terms of the District Membership Agreement. Adoption of this Resolution affirms the power and authority of the Districts to conduct such affairs with local governments, as per F.S. 163.01, 189, and 768.28, F.S.
4. All power and authority available to the Districts pursuant to F.S. 197.3632 and 163.01 shall be implemented for purposes of placing special assessments and recovering project funds through the uniform collection method. The Districts' Administrators shall handle the necessary functions to market, approve, and fund the Qualifying Improvements and execute Financing Agreements that shall effectuate special assessments for PACE projects. Alachua County has not relinquished or transferred any authority or powers to the Districts and is cooperating with the Districts and its members in compliance with 163.01(7) and 163.08(5).
5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.
6. That this resolution shall take effect immediately upon its adoption.

Duly adopted in regular session, this \_\_\_\_ day of \_\_\_\_\_, A.D., 2015.

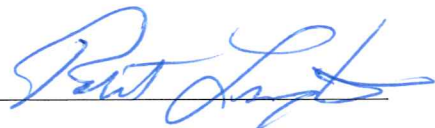
Board of County Commissioners of  
Alachua County, Florida

By: \_\_\_\_\_  
Charles "Chuck" Chestnut, IV,  
Chairman

ATTEST:

Approved as to form

\_\_\_\_\_  
J.K. Irby, Clerk

  
\_\_\_\_\_  
Alachua County Attorney

(Seal)

