

RESOLUTION R-18-008

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING REAL PROPERTY, AMENDING RESOLUION R-17-131 TO AUTHORIZE ADDITIONAL SPECIAL PURPOSE LOCAL GOVERNMENTS TO PARTICIPATE IN THE COUNTY’S PROGRAM FOR “PROPERTY ASSESSED CLEAN ENERGY” OR “PACE”; PROVIDING FOR SEVERABILITY AND AN PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.08, Florida Statutes, entitled “Supplemental authority for improvements to real property” (the “Supplemental Act”), provides that certain improvements to real property for energy conservation and efficiency, renewable energy improvements, or wind resistance improvements, may qualify for financing made available by certain local governments (in addition to and other than Manatee County) to private property owners, with repayment over time being statutorily collected on the property owners’ annual tax notice as a non-ad valorem assessment under the uniform collection process; and

WHEREAS, Sections and 163.01(7), and 163.08 Florida Statutes, allow for, and contemplate the creation of distinct and separate legal entities, and specifically define these separate legal entities as a “local government” for the purposes of enabling property owners to voluntarily finance such improvements with such special purpose local government assistance, and this accomplishes what the Legislature describes as a compelling state interest in the Supplemental Act; and

WHEREAS, several focused separate legal entities, which can be characterized as special purpose local governments, have been created and established within the state to provide the financing, documentation, levy and imposition of non-ad valorem assessments as provided by the general law provisions of the Supplemental Act, and are accordingly recognized by the Florida Department of Revenue as local governments directed and authorized by the Legislature to separately impose and collect those non-ad valorem assessments only under the uniform collection method provided for in Section 197.3632, Florida Statutes and Chapter 12D-18 of the Florida Administrative Code; and

WHEREAS, this financing alternative is sometimes commonly called “PACE” or “property assessed clean energy”, although neither this acronym nor the words “property assessed clean energy” appear in the relevant statutes in Florida; and

WHEREAS, pursuant to Resolution No. R-17-131 (the “PACE Resolution”), the Board determined that it is in the best interest of the public health, safety and welfare of Manatee County to alternatively allow for this voluntary funding and financing opportunity for private property owners, and to undertake the activities described in the Supplemental Act, and to avoid liability, cost, staff time, the use of significant County resources, as well as any misperception that County taxpayers or the County treasury are underwriting or regulating this activity authorized by general

law, by authorizing special purpose local governments to operate within the County pursuant to interlocal agreements; and

WHEREAS, it is in the best interest of the public health, safety and welfare of Manatee County for the Board to amend the PACE Resolution to include the interlocal agreements attached to this Resolution within the list of interlocal agreements approved pursuant to the PACE Resolution, in order to allow the special purpose local governments described herein to undertake PACE activities within the County in accordance with the PACE Resolution and the terms of their respective interlocal agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The foregoing recitals are incorporated in this Resolution as if fully set forth herein and are approved and adopted as Findings of the Board.

SECTION 2. AMENDMENT OF PACE RESOLUTION; CONFIRMATION AND DIRECTION.

(A) The PACE Resolution is hereby amended to add the interlocal agreements listed in Exhibit A hereto to the list of interlocal agreements approved in Section 5 of the PACE Resolution and listed in Exhibit A of the PACE Resolution. The Board hereby confirms and approves for execution the list of interlocal agreement(s) between Manatee County and the special purpose local government(s), listed and attached in Exhibit A hereto, subject to and in accordance with the provisions of the PACE Resolution.

(B) Upon this Resolution becoming effective, the Chair of the Board of County Commissioners and the County Administrator are hereby authorized and directed to execute and deliver the interlocal agreement(s), substantially in the forms attached hereto as exhibits, with such insubstantial changes, insertions and omissions, and such exhibits thereto, as may be approved by the Chairman and the County Administrator, the execution thereof being conclusive evidence of such approval. The Board directs and authorizes its Chair, County Administrator, officers, attorneys and other agents or employees of the County to do all acts and things required of them by and to generally advance the purposes of this Resolution, and the agreements authorized, for the full punctual accomplishment of the directions of the Board and in the PACE Resolution; and, the Chair, his or her designee, and the County Administrator, officers, attorneys and other agents or employees of the County are hereby respectively directed and authorized to cooperatively execute and deliver any and all communications, papers and instruments and to do and cause to be done all acts and things necessary to accomplish such direction and to accomplish generally the purposes of the PACE Resolution and the authorized interlocal agreements, subject to and in accordance with the provisions of the PACE Resolution.

(C) The PACE Resolution, and all terms set forth therein not expressly amended by this Resolution, shall remain in full force and effect.

SECTION 3. SEVERABILITY. All other provisions of any resolution of the Board not inconsistent with this Resolution shall remain in full force and effect. 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.

SECTION 4. EFFECTIVE DATE. This Resolution shall become effective immediately upon its passage and adoption.

ADOPTED IN OPEN SESSION WITH A QUORUM PRESENT AND VOTING THIS 6th day of March, 2018.

**BOARD OF COUNTY
COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

CHAIRPERSON

ATTEST:

**ANGELINA M. COLONNESO
CLERK OF THE CIRCUIT COURT
AND COMPTROLLER**

DEPUTY CLERK

EXHIBIT A

**LIST OF APPROVED INTERLOCAL AGREEMENTS
TO BE ADDED TO THE PACE RESOLUTION
(copies attached)**

- 1. Florida Green Finance Authority**
- 2. Florida Resiliency and Energy District**