

RESOLUTION  
NO. 17-70

A RESOLUTION  
TO BE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, ADOPTING A PROPERTY ASSESSED CLEAN ENERGY (“PACE”) PROGRAM WITHIN THE CITY OF PENSACOLA AND JOINING THE FLORIDA GREEN FINANCE AUTHORITY, FLORIDA PACE FUNDING AGENCY, GREEN CORRIDOR AND FLORIDA RESILIENCY AND ENERGY DISTRICT IN ACCORDANCE WITH SECTION 163.08, FLORIDA STATUTES; AUTHORIZING THE MAYOR OF THE CITY OF PENSACOLA TO EXECUTE AGREEMENTS WITH THE FLORIDA GREEN FINANCE AUTHORITY, FLORIDA PACE FUNDING AGENCY, GREEN CORRIDOR AND FLORIDA RESILIENCY AND ENERGY DISTRICT FOR ADMINISTRATION OF THE PACE PROGRAM WITHIN THE CITY OF PENSACOLA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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 to provide the upfront financing for energy conservation and efficiency, renewable energy, wind resistance and other improvements that are not inconsistent with the state law (“Qualifying Improvements”); and

WHEREAS, Section 163.08(4), F.S. permits local governments to offer PACE programs subject to adoption of a Resolution or Ordinance; and

WHEREAS, the Florida Green Finance Authority (“Authority”), Florida PACE Funding Agency, Green Corridor, and Florida Resiliency and Energy District (“FRED”) are separate legal entities and units of government within the State of Florida which were established by separate interlocal agreements for the express purpose of providing a scalable and uniform platform to facilitate the financing of Qualifying Improvements; and

WHEREAS, installing energy efficiency, renewable energy and wind resistance improvements on existing structures can provide significant progress towards increased energy conservation and protection of properties in the City of Pensacola and statewide; and

WHEREAS, PACE programs assist residents and business owners in reducing their carbon footprint and energy costs and also stimulate the local economy by creating construction jobs; and

WHEREAS, given the widespread energy and economic benefits of the PACE program, the City Council of the City of Pensacola desires to join the Authority, the Florida PACE Funding Agency, Green Corridor and FRED in order to provide options for property owners for the upfront financing for Qualifying Improvements; and

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, THAT:

Section 1. The above declarations are true and accurate, and are incorporated herein.

Section 2. NON-EXCLUSIVE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA GREEN FINANCE AUTHORITY. The non-exclusive Party Membership Agreement between the City of Pensacola and the Authority, attached hereto as “Exhibit A,” and incorporated herein, is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute the Party Membership Agreement on behalf of the City. A copy of the Second Amended and Restated Interlocal Agreement forming the Florida Green Finance Authority is also attached hereto and incorporated as “Exhibit A.”

Section 3. NON-EXCLUSIVE MEMBERSHIP AGREEMENT WITH THE FLORIDA PACE FUNDING AGENCY. The non-exclusive Membership Agreement between the City of Pensacola and Florida PACE Funding Agency, attached hereto as “Exhibit B,” and incorporated herein, is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute the Limited Purpose Party Membership Agreement on behalf of the City. A copy of the Interlocal Agreement forming Florida PACE Funding Agency is also attached hereto and incorporated as “Exhibit B.”

Section 4. NON-EXCLUSIVE MEMBERSHIP AGREEMENT WITH THE GREEN CORRIDOR. The non-exclusive Membership Agreement between the City of Pensacola and Green Corridor, attached hereto as “Exhibit C,” and incorporated herein, is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute the Limited Purpose Party Membership Agreement on behalf of the City. A copy of the Interlocal Agreement forming FRED is also attached hereto and incorporated as “Exhibit C.”

Section 5. NON-EXCLUSIVE LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA RESILIENCY AND ENERGY DISTRICT. The non-exclusive Limited Purpose Party Membership Agreement between the City of Pensacola and FRED, attached hereto as “Exhibit D,” and incorporated herein, is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute the Limited Purpose Party Membership Agreement on behalf of the City. A copy of the Interlocal Agreement forming FRED is also attached hereto and incorporated as “Exhibit D.”

Section 6. The City Council hereby authorizes the Mayor do all things necessary to join the Authority, Florida PACE Funding Agency, Green Corridor and FRED, including executing the interlocal agreements required for participating in the Authority, Florida PACE Funding Agency, Green Corridor and FRED.

Section 5. This Resolution shall become effective the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest: \_\_\_\_\_  
City Clerk