

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2019 - 23

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, (THE "VILLAGE") PERMITTING PROPERTY ASSESSED CLEAN ENERGY ("PACE") PROGRAMS WITHIN THE CORPORATE LIMITS OF THE VILLAGE; APPROVING AGREEMENTS WITH THE FLORIDA GREEN FINANCE AUTHORITY, THE FLORIDA RESILIENCY AND ENERGY DISTRICT AND THE FLORIDA PACE FUNDING AGENCY AND THE GREEN CORRIDOR PACE DISTRICT; UTILIZING VOLUNTARY NON-AD VALOREM ASSESSMENTS TO FINANCE QUALIFYING IMPROVEMENTS ONLY ON COMMERCIAL PROPERTIES; AUTHORIZING THE VILLAGE MANAGER OR DESIGNEE 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 (sometimes referred to as "PACE" or "PACE financing") 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 property owner thereof and a local government (the "Financing Agreements"); and

**WHEREAS**, the Florida Green Finance Authority, the Green Corridor PACE District, the Florida Resiliency and Energy District and the Florida PACE Funding Agency (individually the "Agency", collectively the "Agencies") are currently four (4) separate legal entities and units of local government within the State of Florida which were established by separate interlocal agreements for the express purpose of providing a scalable 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 agreements with other local governments for the purpose of providing and financing Qualifying Improvements; and

**WHEREAS**, the Village has expressed its desire to limit PACE to commercial properties (i.e., all properties other than residential properties with one to four dwelling units, sometimes referred to as "commercial PACE" or "C-PACE") as allowed by law; and



46       **WHEREAS**, the installation of Qualifying Improvements to commercial properties  
47 may increase energy efficiency and improve the wind resistance of existing structures within  
48 Village thereby reducing the burdens from fossil fuel energy production, increase resiliency  
49 against inclement weather events and contributing to the local economy by cost savings to  
50 property owners, enhancing property values and increasing job opportunities; and  
51

52       **WHEREAS**, existing financing options may be insufficient for commercial property  
53 owners to access cost-effective financing for energy-saving or wind-resistance property  
54 improvements due to requirements associated with traditional debt or equity financing options;  
55 and  
56

57       **WHEREAS**, the Agencies have created a turn-key solution for the financing, levy and  
58 collection process to implement C-PACE programs, without cost to or assumption of liability  
59 by, or demand upon the credit of Village; and  
60

61       **WHEREAS**, the Village is presently without adequate, currently available and  
62 recurring funds to establish a program similar to the Agencies' C-PACE programs; and  
63 recognizes that initiation of its own program requires a commitment of significant time,  
64 staffing and monetary resources derived from all taxpayers; however as an alternative or  
65 supplement to any other program or approach chosen by the Village, the Village can  
66 concurrently authorize and approve a non-exclusive arrangement with each Agency to make  
67 funding for Qualified Improvements immediately available to support commercial property  
68 owners and the local economy; and  
69

70       **WHEREAS**, the Village Council deems this Resolution to be in the best interest of the  
71 businesses of Village to authorize the appropriate Village official(s) to execute agreements  
72 with the Agencies in an effort to provide an alternative, supplemental and non-exclusive means  
73 to achieve, inter alia, immediate and careful local economic development, commerce and job  
74 creation, as well compelling state interest and public purposes described in the Supplemental  
75 Act.  
76

77       **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF**  
78 **ESTERO, FLORIDA, AS FOLLOWS:**  
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80       **SECTION 1. LEGISLATIVE FINDINGS AND INTENT.** The Village Council  
81 hereby adopts and incorporates into this Resolution the Village staff report and Village Council  
82 agenda memorandum relating to this Resolution. The forgoing recitals are incorporated in this  
83 Resolution as if fully set forth herein and are approved and adopted. The Village Council has  
84 complied with all requirements and procedures of Florida law in processing and noticing this  
85 Resolution.  
86

87       **SECTION 2. ESTABLISHMENT OF C-PACE PROGRAM.** The Village Council  
88 hereby authorizes the availability of a C-PACE program within the jurisdictional limits of  
89 Village.  
90

91           **SECTION 3. APPROVAL OF AGREEMENTS; AUTHORIZATION TO**  
92 **EXECUTE, ETC.**

93  
94           (a).     The Village Council approves the following agreements:

- 95  
96                   (1).     Florida Green Finance Authority C-PACE agreement attached hereto  
97                             and incorporated herein as Exhibit "A".  
98                   (2).     Florida PACE Funding Agency C-PACE agreement attached hereto and  
99                             incorporated herein as Exhibit "B".  
100                  (3).     Florida Resiliency Energy District C-PACE agreement attached hereto  
101                             and incorporated herein as Exhibit "C".  
102                  (4).     Green Corridor PACE District C-PACE agreement attached hereto and  
103                             incorporated herein as Exhibit "D".  
104

105           (b).     The Village Council hereby authorizes the Village Manager to execute the  
106                         aforementioned C-PACE agreements.  
107

108           **SECTION 4. IMPLEMENTING ADMINISTRATIVE ACTIONS.** The Village  
109 Manager is hereby authorized and directed to take such actions as he/she may deem necessary  
110 and appropriate in order to implement the provisions of this Resolution. The Village Manager  
111 may, as deemed appropriate, necessary and convenient, delegate the powers of implementation  
112 as herein set forth to such Village employees as deemed effectual and prudent.  
113

114           **SECTION 5. SCRIVENER'S ERRORS.** Typographical errors and other matters of  
115 a similar nature that do not affect the intent of this Resolution, as determined by the Village  
116 Clerk and Village Attorney, may be corrected.  
117

118           **SECTION 6. CONFLICTS.** All Resolutions or parts of Resolutions in conflict with  
119 any of the provisions of this Resolution are hereby repealed.  
120

121           **SECTION 7. SEVERABILITY.** If any Section or portion of a Section of this  
122 Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate  
123 or impair the validity, force, or effect of any other Section or part of this Resolution.  
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125           **SECTION 8. EFFECTIVE DATE.** This Resolution shall become effective  
126 immediately upon its passage and adoption.  
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128           **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this 6<sup>th</sup>  
129 day of November, 2019.  
130

131 Attest:

**VILLAGE OF ESTERO, FLORIDA**

132  
133  
134 By:   
135 Kathy Hall, MMC, Village Clerk

By:   
Bill Ribble, Mayor

136 Reviewed for legal sufficiency:

137

138

139 By: 

140 Burt Saunders, Esq., Village Attorney