



RESOLUTION # 2017-03

RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI DIRECTING THE CITY MANAGER OR HIS/HER DESIGNEE TO DEVELOP, NEGOTIATE AND PRESENT AGREEMENTS WITH PROPERTY ASSESSMENT CLEAN ENERGY (PACE) PROVIDERS TO THIS BOARD; ESTABLISHING POLICY FOR THE CITY WITH RESPECT TO PROPERTY ASSESSMENT CLEAN ENERGY; DIRECTING THE CITY MANAGER OR HIS/HER DESIGNEE TO PREPARE A REPORT ON HOW TO EXPEDITE PACE RELATED PERMITS; WAIVING COMPETITIVE SOLICITATION REQUIREMENTS.

WHEREAS, individual residents' of the City of West Miami may wish to improve energy efficiency, install energy improvements or retrofits, and improve water conservation for commercial and residential properties; and

WHEREAS, one way to facilitate such improvements to real property is through a Property Assessment Clean Energy (PACE) financing program; and

WHEREAS, a PACE financing program is a financing structure by which commercial or residential property owners may voluntarily opt into a special assessment district to receive a loan to finance energy improvements and retrofits, where those loans are repaid through an annual assessment on the property owner's property tax bill; and

WHEREAS, a number of entities created pursuant to Section 163.01(7), Florida Statutes, may be interested in operating turnkey PACE programs within the City of West Miami, and the City may not need to limit the number of PACE providers operating within the City; and

WHEREAS, having a number of different providers that operate PACE programs in the City of West Miami may foster competition and provide more choices to property owners; and

WHEREAS, PACE districts that have been created under Section 163.01(7), Florida Statutes, are local governments, and the City could select from those PACE districts and enter into interlocal agreements with the selected districts, without proceeding with a solicitation; and

WHEREAS, such City agreements with PACE districts would include City requirements and protections, as directed by this Commission; and

WHEREAS, such City agreements with PACE districts should also require PACE providers to acknowledge, for example, in customer contracts and communications, the City's role in authorizing PACE in the West Miami areas, while still making clear to consumers that the City is not operating the PACE program; and

WHEREAS, in order to facilitate and encourage the energy improvements, retrofits, and other property improvements made through PACE, this Commission wish to create an expedited permit program, similar to the green expedite program, for property improvements done through PACE,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF WEST MIAMI, FLORIDA, that:

Section 1. It is the intent of this Commission to enter into agreements with multiple PACE providers so as to foster competition and create more choices for property owners. The City Manager or his/her designee is hereby directed to develop and negotiate proposed agreements between the City and PACE districts, specifically entities created pursuant to Section 163.01(7), Florida Statutes, who may wish to operate turnkey PACE programs within the City of West Miami (referred to herein as "PACE districts" or "PACE providers"). The City Manager or his/her designee shall bring such proposed agreements, together with the City Manager or his/her designee's recommendations as to PACE districts, to this Commission for review and approval. In making such recommendations, the City Manager or his/her designee shall consider and address

the experience and expertise of the PACE districts, including the experience and expertise of the PACE districts' direct affiliates, if applicable. The City Manager or his/her designee shall bring negotiated agreements between the City and PACE districts to this Commission expeditiously so that this Commission may consider and approve the agreements no more than thirty (30) days of the effective date of this resolution.

Section 2. The agreements between the City of West Miami and PACE districts shall require, at a minimum:

(a) Compliance with the City of West Miami and Florida laws related to PACE programs;

(b) The City's standard indemnification clause by which the PACE provider agrees to hold harmless and indemnify the City;

(c) A commitment and disclosure by the PACE provider that outlines what each particular PACE provider will do, including but not limited to how PACE assessments will be collected and if they will be converted into other financial vehicles, in the event that Florida's PACE statute is struck down by a court or if the PACE assessments are determined by a court to not be special assessments;

(d) If the PACE provider may issue bonds, a requirement that the bond disclosure include language, which advises that PACE programs are new and relatively untested, and that there may be certain attendant risks to bondholders and that the City has no involvement or responsibility in said program or bonds;

(e) Provisions which would allow for the termination of the agreement under certain circumstances; and

(f) Requirements that the PACE provider work with City staff to develop appropriate measures and mechanisms to provide timely information to the City regarding the PACE provider's work pursuant to its agreement with the City. At a minimum, the PACE provider shall provide quarterly reports to the City with the following information:

(i) The dates of the reporting period.

(ii) A list of PACE projects started and/or completed during the quarter, separated by building type (e.g., office, retail, multifamily, single family) and by sector type (e.g., commercial, industrial, residential). The report shall include the following information about each PACE project identified: (1) the qualifying improvements made to the property; (2) if an energy audit is performed, the energy baseline of each PACE project, conducted by a third party; and the projected energy savings and/or the amount of potential renewable energy to be generated by the PACE project; (3) start date and completion date for each PACE project; (4) if an energy audit is performed, financial information about each PACE project such as cost per kWh generated/saved; and (5) any other resource saving, such as water savings, achieved by the PACE project.

(iii) Number of applications declined during the reporting period and why each was declined.

(iv) Jobs created for the reporting period, including local versus non-local jobs and permanent versus temporary jobs.

PASSED AND ADOPTED this 4th day of January, 2016.

APPROVED:


EDUARDO H. MUÑINA, MAYOR

ATTEST:


ANNERY GONZALEZ, CMC
CITY CLERK

APPROVED AS TO FORM AND SUFFICIENCY:


JOSE A. VILLALOBOS, CITY ATTORNEY

ROLL CALL:

MAYOR EDUARDO H. MUÑINA	<u>Y</u>
VICE -MAYOR CANDIDA BLANCA	<u>Y</u>
COMMISSIONER JUAN M. BLANES	<u>Y</u>
COMMISSIONER RHONDA A. RODRIGUEZ	<u>Y</u>
COMMISSIONER LUCIANO L. SUAREZ	<u>Y</u>