

RESOLUTION NO. \_\_-17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, EXPRESSING THE CITY'S SUPPORT AND INTENTION TO JOIN WITH THE PARTIES TO THE INTERLOCAL AGREEMENT CREATING THE FLORIDA RESILIENCY AND ENERGY DISTRICT ("FRED") PROPERTY ASSESSED CLEAN ENERGY ("PACE") PROGRAM WITHIN THE CITY BOUNDARIES; PROVIDING INTERESTED PROPERTY OWNERS WITH THE OPPORTUNITY TO FINANCE ENERGY EFFICIENCY, RENEWABLE ENERGY AND WIND RESISTANCE IMPROVEMENTS ON THEIR PROPERTY BY REPAYMENT THROUGH NON-AD VALOREM ASSESSMENTS ON THEIR PROPERTY TAX BILL; AUTHORIZING APPROVAL OF THE LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT WITH FRED AND APPROVING THE AUTHORITY FOR ADMINISTRATION BY RENOVATE AMERICA AS THE THIRD PARTY ADMINISTRATOR IN THE CITY OF DELRAY BEACH ; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, home and business energy consumption accounts for a large portion of the overall usage of energy in a community; and

WHEREAS, there is a vast quantity of existing structures with many years of remaining life before replacement, and these structures are not as energy efficient as today's standards, nor do many existing buildings have renewable energy systems installed to provide some or all of their electric energy needs and many buildings are in need of improvements to protect them against damage from storm events; 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 Delray Beach and statewide; and

WHEREAS, the upfront costs of these improvements are a hurdle to installing them and existing financing options may be insufficient for property owners to access cost-effective financing for energy-saving or wind-resistance property improvements due to requirements associated with traditional debt or equity financing options; and

WHEREAS, the expected life of energy efficiency, renewable energy or wind resistance projects may require a longer term payback period than offered by traditional financing, which may necessitate alternative options to fund installation of the improvements; and

WHEREAS, local governments within Florida and nationally have either formed, or are contemplating the formation of, programs to provide alternative financing options allowing a property owner to voluntarily finance energy efficiency and renewable energy improvements through payment of non-ad valorem assessments; and

WHEREAS, the State of Florida has declared it the public policy of the State to develop energy management programs aimed at promoting energy conservation and protecting properties from wind

damage; and

WHEREAS, the financing provided to these participating property owners will be repaid through non-ad valorem assessments and only those property owners who request to participate will be levied the assessments; and

WHEREAS, the benefits of these energy financing programs include improved air quality, lowered fossil fuels use, creating energy independence and security, promoting the creation of jobs and economic development by stimulating “green industries” and saving citizens money by reducing energy consumption; and

WHEREAS, Section 163.08, F.S. authorizes local governments in Florida to either form individually, or in partnership with other local governments, programs to allow property owners to voluntarily finance energy efficiency, renewable energy or wind resistance improvements; and

WHEREAS, the Florida Resiliency and Energy District (“FRED” or “the District”) is a separate legal entity of local governments pursuant to Section 163.01(7), Florida Statutes, to offer Qualifying Improvements as evidenced by an original Interlocal Agreement dated September 6, 2016, as amended by the Second Amended and Restated Interlocal, recorded in the public records for Palm Beach County on May 11, 2017 at ORB 29077/ Page 1780; and

WHEREAS, a proposed Limited Purpose Party Membership Agreement (the Agreement) with FRED is attached as Exhibit “A”; and

WHEREAS, the District program will provide significant benefits including property owner cost savings, enhancing property values, economic development and job opportunities and the City of Delray Beach believes that it is in the best interests of the health, safety and welfare of its citizens to participate in the program; and

WHEREAS, the City Commission desires to join the Agreement to implement FRED’s program through its third party administrator, Renovate America, and to offer it within the City of Delray Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

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

Section 2. The City Commission of the City of Delray Beach, a political subdivision of the State of Florida, hereby authorizes participation in the Florida Resiliency and Energy District (FRED) to implement the FRED PACE program within the City boundaries through FRED’s third party administrator, Renovate America.

Section 3. The City Commission hereby directs the City Clerk do all things necessary to become a member of the FRED program and authorizes the Mayor of the City of Delray Beach to

execute the Limited Purpose Party Membership Agreement on behalf of the City.

Section 4. The City Commission hereby authorizes membership in the membership agreement and to offer the FRED PACE program within the City of Delray Beach as implemented by its third party Administrator, Renovate America, subject also to the requirements set forth in City of Delray Beach Ordinance No. 13-17, as such may be amended from time to time.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Cary Glickstein, Mayor

Attest:

\_\_\_\_\_  
Katerri Johnson, CMC, City Clerk

(Seal)

Approved as to form and legality:

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R. Max Lohman, City Attorney