

RESOLUTION NO. 16-____

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, OPPOSING AND URGING RESIDENTS TO VOTE “NO” ON AMENDMENT 1, “RIGHTS OF ELECTRICITY CONSUMERS REGARDING SOLAR ENERGY CHOICE,” SCHEDULED FOR THE NOVEMBER 8, 2016 GENERAL ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Amendment 1, titled "Rights of Electricity Consumers Regarding Solar Energy Choice," will be presented to Florida’s voters at the November 8, 2016 general election; and

WHEREAS, Amendment 1 purports to provide a new "choice" for solar power in its title, but no choices are provided in Amendment 1 and no new solar rights are created; instead, Amendment 1 will place critical restrictions on existing solar rights in the Florida Constitution according to Florida Supreme Court Justice Barbara Pariente’s dissent in *Advisory Opinion to Atty. Gen. re Rights of Electricity Consumers regarding Solar Energy Choice*, 188 So. 3d 822 (Fla. 2016); and

WHEREAS, Justice Pariente wrote a minority opinion, supported by two other justices, warning voters of a bait and switch tactic, stating:

[w]hat the ballot summary does not say is that there is already a right to use solar equipment for individual use afforded by the Florida Constitution and existing Florida statutes and regulations. It does not explain that the amendment will elevate the existing rights of the government to regulate solar energy use and establish that regulatory power as a constitutional right in Florida. This is a glaring omission, especially since rights enshrined in the Constitution are generally intended to limit, rather than grant, governmental power.” *** “This ballot initiative is the proverbial ‘wolf in sheep's clothing.’; and

WHEREAS, Florida spends billions of dollars each year purchasing carbon-based fuels from other states and countries to power its homes, businesses, and vehicles, while solar power will keep energy dollars in the state and create good-paying local sales, installation, and maintenance jobs; and

WHEREAS, solar photovoltaic energy offers many potential benefits, including: lower electricity costs for homeowners, businesses, and governments; local jobs and economic development; reduced dependence on imported fuels; pollution-free electricity generation; no water use; and contribution to a more resilient electric grid; and

WHEREAS, Florida has the third-highest potential for rooftop solar energy generation in the United States, but currently ranks 14th in the nation for installed solar capacity, according to the Solar Energy Industry Association; and

WHEREAS, in the eastern United States, Florida has the greatest potential for rooftop solar power of any state yet, according to The Gainesville Sun news, with 9 million electric utility customer accounts, less than 12,000 customer-sited solar electric systems exist in Florida; and

WHEREAS, increased solar-generated electricity, including customer-sited systems on residential and commercial properties, will be a key strategy for achieving this community-wide goal of maximizing the utilization of Florida's abundance of sunlight; and

WHEREAS, the resounding passage by the voters on August 30, 2016 of Amendment 4, which authorizes the Florida Legislature to exempt solar and other renewable energy systems from both residential and commercial property appraisals and from the tangible personal property tax, shows that a majority of Floridians want more rights and less restrictions for solar energy; and

WHEREAS, Amendment 1 will establish a constitutional right and then give the government unbridled discretion to limit that right by later defining the meaning of the word "subsidy;" and

WHEREAS, Amendment 1 will insert in the Florida Constitution an unsupported, misleading, and inaccurate presumption that solar rooftop customers are "subsidized" by solar customers; and

WHEREAS, Amendment 1 implies that solar customers are not paying their fair share of the cost of the grid and that electric companies will be forced to charge the non-solar customer to pay for the cost not being paid by the solar customers; and

WHEREAS, Amendment 1, if passed, can be used to weaken or eliminate the state's net metering policy; and

WHEREAS, Amendment 1, if passed, would be detrimental to the Town's previously expressed support for efforts to increase solar energy generation and other forms of renewable energy in the Town and in the State of Florida; and

WHEREAS, the Town Council finds the adoption of this Resolution to be in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and incorporated herein.

Section 2. Opposing Amendment 1. The Town Council hereby expresses its opposition to Amendment 1 and urges the residents of Cutler Bay to vote “No” on Amendment 1.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED on this ____ day of October, 2016.

Attest: _____
PEGGY R. BELL
Mayor

JACQUELINE N. WILSON
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE USE OF
THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell _____

Vice Mayor Ernie N. Sochin _____

Councilmember Roger Coriat _____

Councilmember Sue Ellen Loyzelle _____

Councilmember Mary Ann Mixon _____