

**RESOLUTION NO. 19-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL  
OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING  
ADDITIONAL PROPERTY ASSESSED CLEAN ENERGY  
(PACE) PROGRAMS WITH THE FLORIDA GREEN  
FINANCE AUTHORITY, THE FLORIDA RESILIENCY  
AND ENERGY DISTRICT, AND THE FLORIDA PACE  
FUNDING AGENCY; PROVIDING FOR  
AUTHORIZATION; PROVIDING FOR AN 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, commonly known as Property Assessed Clean Energy (PACE) Programs ("PACE Programs"), in order to provide the up-front financing for energy conservation and efficiency, renewable energy, and wind resistance improvements ("Qualifying Improvements"), and repay such funding through voluntary special assessments, sometimes referred to as non-ad valorem assessments, levied upon the improved property pursuant to financing agreements between the property owner and the local government; and

**WHEREAS**, the Florida Green Finance Authority, the Florida Resiliency and Energy District, the Florida PACE Funding Agency, and the Green Corridor Property Assessment Clean Energy (PACE) District are four 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 PACE Programs in scalable and uniform platforms to facilitate the financing of Qualifying Improvements throughout Florida; and

**WHEREAS**, the Town of Cutler Bay (the "Town") Town Council is a founding member of the Green Corridor Property Assessment Clean Energy District (the "District"), which is currently authorized to operate its PACE Program within the Town's jurisdiction; and

**WHEREAS**, the Florida Green Finance Authority, the Florida Resiliency and Energy District, and the Florida PACE Funding Agency (collectively, the "Additional Agencies") would like to offer their PACE Programs within the Town; and

**WHEREAS**, the Town Council finds that this Resolution is 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 are incorporated herein by this reference.

**Section 2.**      **Approval.** The Town approves the Additional Agencies to operate PACE Programs within the Town.

**Section 3.**      **Authorization.** The Town Manager is hereby authorized to negotiate and enter into agreements with (a) the Florida Green Finance Authority, (b) the Florida Resiliency Energy District, and (c) the Florida PACE Funding Agency, in substantially the forms attached hereto as Exhibits "A-1," "B-1," and "C-1," subject to approval by the Town Attorney as to form, content, and legal sufficiency. The Town Manager is further authorized to negotiate and enter into indemnification agreements with the administrators of the Agencies: (i) Renew Financial Group, LLC, a Florida Foreign Limited Liability Company; (ii) the Florida Development Finance Corporation, a Florida public body, corporate and politic, authorized by Chapter 288, Part X, Florida Statutes; and (iii) Counterpointe Energy Solutions, LLC, a Florida Foreign Limited Liability Company, in substantially the forms attached hereto as Exhibits "A-2," "B-2," and "C-2," respectively, subject to approval by the Town Attorney as to form, content, and legal sufficiency.

**Section 4.**      **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2019.

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TIM MEERBOTT  
Mayor

Attest:

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DEBRA E. EASTMAN, MMC  
Town Clerk

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR THE SOLE USE OF

THE TOWN OF CUTLER BAY ONLY:

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

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott \_\_\_\_\_

Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_

Council Member Robert “BJ” Duncan \_\_\_\_\_

Council Member Michael P. Callahan \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_