

RESOLUTION NO. 21-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, URGING THE FLORIDA LEGISLATURE TO EXPAND THE QUALIFYING IMPROVEMENTS THAT MAY BE FINANCED THROUGH PROPERTY ASSESSED CLEAN ENERGY PROGRAMS TO INCLUDE CONVERSION FROM SEPTIC TANKS TO SEWER SYSTEMS AND OTHER SEWAGE TREATMENT IMPROVEMENTS; PRELIMINARILY IDENTIFYING THIS ISSUE AS A STATE LEGISLATIVE PRIORITY FOR THE 2021 SESSION; PROVIDING FOR AUTHORIZATION; PROVIDING FOR TRANSMITTAL; AND 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, within Miami-Dade County, numerous properties are served by septic tanks and are not connected to the County's sanitary sewer system; and

WHEREAS, sewage treatment improvements, such as the conversion of properties from septic tanks to sewer systems, are not eligible for PACE financing because they are not listed as qualifying improvements in Section 163.08; and

WHEREAS, Section 163.08 should be amended to expand the list of qualifying improvements to include sewage treatment improvements, including the replacement of an onsite sewage treatment and disposal system with an advanced onsite sewage treatment system, as well as the replacement of an onsite sewage treatment and disposal system with a central sewage system, together with the associated fees or charges to connect to said sewage system; and

WHEREAS, adding these sewage treatment improvements to the PACE list of qualifying improvements would provide additional options for property owners to finance such sewage treatment improvements, and the availability of PACE financing may help some property owners who are unable to access other financing; and

WHEREAS, facilitating such sewage treatment improvements through PACE financing may increase the number of property owners who make such improvements to their property, and the corresponding reduction in older septic tank systems may result in significant benefits to water quality, particularly in Biscayne Bay; and

WHEREAS, the Town Council finds that the adoption of 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. Urging. The Town Council urges the Florida Legislature to expand the qualifying improvements that may be financed through PACE programs to include sewage treatment improvements, including the replacement of an onsite sewage treatment and disposal system with an advanced onsite sewage treatment system, as well as the replacement of an onsite sewage treatment and disposal system with a central sewage system, together with the associated fees or charges to connect to said sewage system. Furthermore, the Town Council urges the Florida Legislature to preliminarily identify this item as a state legislative priority for the 2021 session.

Section 3. Authorization. The Town Manager is authorized to direct the Town's state lobbyists to advocate for the legislation described in Section 2 above.

Section 4. Transmittal. The Town Clerk is hereby directed to transmit a copy of this Resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 5. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this ____ day of January, 2021.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
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 Tim Meerbott _____

Vice Mayor Michael P. Callahan _____

Council Member Robert "BJ" Duncan _____

Council Member Suzy Lord _____

Council Member Roger Coriat _____