

MEMORANDUM

Agenda Item No. 11(A)(4)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

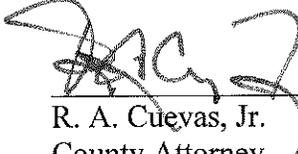
DATE: November 8, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing County Mayor to prepare report which includes recommendations related to implementation of voluntary property assessment clean energy program pursuant to County Code and to present them to this Board within sixty days

This item was amended at the Internal Management and Fiscal Responsibility Committee on 10-16-12. The last WHEREAS clause and subsection (b) in the body were deleted and the subsections in the body re-lettered so the report would focus on alternatives other than the Florida PACE Funding Agency which has its own program in place.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsor Commissioner Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

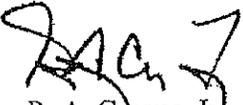


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 8, 2012

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SUBJECT: Agenda Item No. 11(A)(4)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)
11-8-12

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE REPORT WHICH INCLUDES RECOMMENDATIONS RELATED TO IMPLEMENTATION OF VOLUNTARY PROPERTY ASSESSMENT CLEAN ENERGY PROGRAM PURSUANT TO COUNTY CODE AND TO PRESENT THEM TO THIS BOARD WITHIN SIXTY DAYS

WHEREAS, the citizens of Miami-Dade County may wish to improve energy efficiency, install energy improvements or retrofits, and improve water conservation for commercial and residential properties; and

WHEREAS, a voluntary financing program called the "property assessment clean energy program" or "PACE" has been developed nationwide which offers owners of real property the opportunity to receive a loan to finance qualified energy improvements and retrofits to their property that is secured by an annual assessment on such property which is paid as part of the annual ad valorem tax bill; and

WHEREAS, in February 2010, this Board adopted Resolution No. R-143-10, which expressed the Board's intention to establish a PACE program; and

WHEREAS, on April 30, 2010, the Florida Legislature enacted Florida Statute 163.08 which established the legal framework for PACE programs in Florida; and

WHEREAS, in November 2010, this Board enacted Ordinance No. 10-78 pursuant to the framework established by the State, which created definitions, requirements, and regulations for

a voluntary PACE Program in Miami-Dade County, and is codified in Sections 2-2079 through 2-2091 of the County Code (“County Code”); and

WHEREAS, at this time, the PACE financing program in Miami-Dade County could accelerate and add to Miami-Dade County’s ongoing efforts to implement energy conservation initiatives and provide a boost to the local construction industry and the growth of “green” jobs¹; and

~~[[WHEREAS, the Florida PACE Funding Agency, of which Deputy Mayor Edward Marquez is a member, is currently working to facilitate the implementation and management of a statewide, uniform PACE program in which local governments could choose to participate,]]~~

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Mayor or Mayor’s designee is directed to present a report to the Board of County Commissioners within 60 days of the effective date of this resolution that: (a) provides an update on the status of the PACE Program statewide; ~~[[(b) includes a discussion of the recent activities of the Florida PACE Funding Agency;]]~~ >>(b)<< ~~[[(e)]]~~ identifies any related issues or concerns which could affect Miami-Dade County; and >>(c)<<~~[[(d)]]~~ makes recommendations as to how Miami-Dade County should proceed pursuant to the County Code, including any amendments to the County Code that may be necessary, to implement a voluntary PACE program in Miami-Dade County.

¹ Committee amendments are indicated as follows: Words stricken through and/or ~~[[double bracketed]]~~ are deleted, words underscored and/or >>double arrowed<< are added.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz and the Co-Sponsor is Commissioner Lynda Bell. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of November, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Gerald T. Heffernan