

# MEMORANDUM

Agenda Item No. 11(A)(4)

---

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** December 12, 2023

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution terminating the agreement between Miami-Dade County and the Green Corridor Property Assessment Clean Energy District, which is the PACE District administered by Ygrene Energy Fund Florida, LLC; directing the County Mayor to provide notice of termination for convenience

---

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera.

  
Geri Bonzon-Keenan  
County Attorney

GBK/ks

MDC001



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Oliver G. Gilbert, III  
and Members, Board of County Commissioners

**DATE:** December 12, 2023

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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)  
12-12-23

RESOLUTION NO. \_\_\_\_\_

RESOLUTION TERMINATING THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY DISTRICT, WHICH IS THE PACE DISTRICT ADMINISTERED BY YGRENE ENERGY FUND FLORIDA, LLC; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE NOTICE OF TERMINATION FOR CONVENIENCE

**WHEREAS**, a Property Assessment Clean Energy ("PACE") program is a financing structure by which commercial or residential property owners may voluntarily opt into a special assessment district to receive financing for energy improvements and retrofits where such financing is repaid through an annual assessment on the property owner's property tax bill; and

**WHEREAS**, a PACE entity created under section 163.01(7), Florida Statutes, is considered a "local government" under Florida law; and

**WHEREAS**, Miami-Dade County has entered into four interlocal agreements with different PACE entities which authorize those entities to operate within the unincorporated area of the County; and

**WHEREAS**, one of the four such PACE entities authorized to operate in the unincorporated area is the Green Corridor Property Assessment Clean Energy District ("Green Corridor"), and Ygrene Energy Fund Florida LLC ("Ygrene") is the administrator for Green Corridor; and

**WHEREAS**, this Board no longer wishes for Ygrene, on behalf of Green Corridor, to be authorized to operate for purposes of PACE within the unincorporated area; and

**WHEREAS**, the Federal Trade Commission (the “FTC”) filed a lawsuit against Ygrene in 2022, and the FTC’s complaint alleged that “Ygrene deceptively represents to consumers that its financing will not create any obstacles to, or interfere with, consumers’ ability to sell or refinance their homes,” and that “Ygrene fails to obtain consumers’ express, informed consent to using the consumer’s home as collateral to secure Ygrene’s loan”; and

**WHEREAS**, the FTC and Ygrene resolved this lawsuit through a stipulated order, which entered a judgment of \$22,000,000.00 against Ygrene, and which required that Ygrene modify its operations by providing certain disclosures and other consumer protections; and

**WHEREAS**, on July 19, 2016, this Board adopted Resolution No. R-734-16, which approved an agreement between the County and Green Corridor (the “Agreement”), together with an associated indemnification agreement between the County and Ygrene; and

**WHEREAS**, the Agreement between the County and Green Corridor specifically allows for termination for convenience and contains various provisions related to termination, and the termination contemplated by this resolution shall be consistent with such provisions; and

**WHEREAS**, the Agreement provides that any party may terminate the Agreement for convenience upon 90 days prior written notice; and

**WHEREAS**, this Agreement also provides that beginning on the date that Green Corridor receives such notice from the County (“Termination Date”), Green Corridor shall not approve any new applications affecting property within the unincorporated area of the County; and

**WHEREAS**, the Agreement further states that notwithstanding termination of the agreement, property owners whose applications were approved prior to the Termination Date, and who received funding through the PACE program, shall continue to be a part of Green Corridor for the sole purpose of paying their outstanding debt, until such time that all outstanding debt has been satisfied; and

**WHEREAS**, this Board wishes to terminate the Agreement between the County and Green Corridor; and

**WHEREAS**, the remaining three agreements between the County and other PACE districts are not being terminated by this resolution and shall remain in effect, and property owners who may be interested in pursuing financing through PACE could do so through one of those PACE districts,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Hereby terminates the Agreement between Miami-Dade County and the Green Corridor Property Assessment Clean Energy District, which was approved pursuant to Resolution No. R-734-16.

**Section 2.** Directs the County Mayor, through the Office of Resilience or other appropriate designee, to submit a certified copy of this resolution to Green Corridor as written notice of termination for convenience. Such copy shall be sent by certified U.S. mail, with return receipt requested, within five days of the effective date of this resolution, to Paul Winkeljohn, District Manager, at 5385 N. Nobhill Road, Sunrise, Florida 33351.

The Prime Sponsor of the foregoing resolution is Commissioner Kevin Marino Cabrera. 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:

Oliver G. Gilbert, III, Chairman  
Anthony Rodríguez, Vice Chairman  
Marleine Bastien  
Kevin Marino Cabrera  
Roberto J. Gonzalez  
Danielle Cohen Higgins  
Kionne L. McGhee  
Micky Steinberg  
Juan Carlos Bermudez  
Sen. René García  
Keon Hardemon  
Eileen Higgins  
Raquel A. Regalado

The Chairperson thereupon declared this resolution duly passed and adopted this 12<sup>th</sup> day of December, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

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

JUAN FERNANDEZ-BARQUIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Cristina M. Rabionet