

MEMORANDUM

Non-Agenda Item No. 15(F)(1)

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

DATE: July 16, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the County Mayor to apply, file for, and obtain any available federal tax credits on behalf of the County so long as such actions are at no cost or expense to the County; and directing the County Mayor to prepare a study containing certain information to evaluate the feasibility of the County obtaining "elective pay" clean energy federal tax credits, and to provide a report

Resolution No. R-639-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.


Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

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

DATE: July 16, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT Non-Agenda Item No. 15(F)(1)

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 _____

Non-Agenda Item No. 15(F)(1)
7-16-24

RESOLUTION NO. **R-639-24**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY, FILE FOR, AND OBTAIN ANY AVAILABLE FEDERAL TAX CREDITS ON BEHALF OF THE COUNTY SO LONG AS SUCH ACTIONS ARE AT NO COST OR EXPENSE TO THE COUNTY; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PREPARE A STUDY CONTAINING CERTAIN INFORMATION TO EVALUATE THE FEASIBILITY OF THE COUNTY OBTAINING "ELECTIVE PAY" CLEAN ENERGY FEDERAL TAX CREDITS, AND TO PROVIDE A REPORT

WHEREAS, at the July 16, 2024 Board of County Commissioners meeting, a motion was made to authorize the County Mayor or County Mayor's designee to apply, file for, and obtain any available federal tax credits on behalf of the County so long as such actions are at no cost or expense to the County; and

WHEREAS, the motion further directed the County Mayor or County Mayor's designee to prepare a study containing certain information to evaluate the feasibility of the County obtaining "elective pay" clean energy federal tax credits, and to provide a written report summarizing the findings of the study to this Board within 30 days,

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

Section 1. Authorizes the County Mayor or County Mayor's designee to apply, file for, and obtain any available federal tax credits on behalf of the County so long as such actions are at no cost or expense to the County.

Section 2. Directs the County Mayor or County Mayor's designee to prepare a study to evaluate the feasibility of the County obtaining "elective pay" clean energy tax credits made available under the Internal Revenue Code through the Inflation Reduction Act. The study shall,

at a minimum: (a) identify which tax credits are available currently and in the future to Miami-Dade County; (b) identify qualifying County projects implemented since January 2023 and those that have been or will be implemented in subsequent years until the identified tax credits expire; (c) identify what actions would be required for the County to obtain such tax credits on an annual basis until they expire; (d) identify any other actions which the County Mayor or County Mayor's designee deems would be beneficial in assisting the County to continually obtain such tax credits; and (e) identify proposed projects to be funded with such tax credits. The County Mayor or County Mayor's designee shall provide a written report summarizing the findings of the study to this Board within 30 days of the effective date of this resolution and place the completed report on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Chairman Oliver G. Gilbert, III. It was offered by Commissioner **Oliver G. Gilbert, III**, who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of July, 2024. 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MSM

Michael J. Mastrucci