

RESOLUTION NO. 23-R__

A RESOLUTION OF THE CITY OF PORT ST. LUCIE, FLORIDA, APPROVING A LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT WITH THE FLORIDA RESILIENCY AND ENERGY DISTRICT; AUTHORIZING A COMMERCIAL-ONLY PROPERTY ASSESSED CLEAN ENERGY (“PACE”) PROGRAM FOR REAL PROPERTY LOCATED AT 8833 U.S. HIGHWAY 1, PORT ST. LUCIE, FLORIDA; UTILIZING VOLUNTARY NON-AD VALOREM ASSESSMENTS TO FINANCE QUALIFYING IMPROVEMENTS; AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, SCRIVENER’S ERRORS, CONFLICTS, SEVERABILITY, AND 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 pursuant to which owners of real property may obtain funding for energy conservation and efficiency, renewable energy and wind resistance improvements (as referred to therein, the "Qualifying Improvements"), and repay such funding through voluntary special assessments, referred to as non-ad valorem assessments ("Special Assessments"), levied upon the improved real property pursuant to financing agreements between the owner thereof and the local government (the "Financing Agreements"); and

WHEREAS, the Florida Resiliency and Energy District (the “Agency”) is a separate legal entity and unit of local government within the State of Florida which was established by separate interlocal agreement for the express purpose of providing a scalable and uniform platform to facilitate the financing of Qualifying Improvements throughout Florida; and

WHEREAS, pursuant to the Supplemental Act or as otherwise provided by law, local governments may enter into a partnership with other local governments for the purpose of providing and financing Qualifying Improvements, and a Qualifying Improvement Program may be administered by a third-party for-profit entity or a not-for-profit organization on behalf of or at the discretion of the local government; and

WHEREAS, the installation of Qualifying Improvements may increase energy efficiency and improve the wind resistance of existing structures within the City thereby reducing the burdens from fossil fuel energy production and contributing to the local economy by cost savings to property owners, enhancing property values and increasing job opportunities; and

WHEREAS, the upfront costs of Qualifying Improvements impede installation and existing financing options may be insufficient for property owners to access cost-effective financing for energy-saving or wind-resistance property improvements due to requirements associated with traditional debt or equity financing options; and

WHEREAS, the Agency has created the financing, levy and collection process to implement PACE Programs and will cooperate with the City, without cost to or assumption of liability by, or demand upon the credit of City; and

WHEREAS, City Council desires to authorize the appropriate City officials to execute a Limited Purpose Party Membership Agreement between the Florida Resiliency and Energy District and the City, which is attached hereto as Exhibit “A” and incorporated herein by reference; and

WHEREAS, the City has expressed its desire to limit PACE financing to the commercial real property located at 8883 US Hwy 1, Port St. Lucie, FL 34952 with parcel identification number 3435-666-0002-000-5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PORT ST. LUCIE, FLORIDA, AS FOLLOWS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Resolution.

Section 2. Authorizing PACE Program. The City Council hereby authorizes the availability of a Commercial Property Assessed Clean Energy (PACE) program for the real property located at 8883 Hwy US Hwy 1, Port St. Lucie, FL 34952, upon the effective date of this Resolution.

Section 3. Approval of the Agreement. The Mayor, or designee, is hereby authorized and directed to execute the Limited Purpose Party Membership Agreement between the Florida Resiliency and Energy District and the City, in substantially the same form as attached hereto as “Exhibit “A”.

Section 4. Implementation. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary, and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

Section 6. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 7. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 8. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2023.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney