

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE TERMINATION OF THE VARIOUS AGREEMENTS WITH FLORIDA PACE FUNDING AGENCY, FLORIDA GREEN FINANCE AUTHORITY, CLEAN ENERGY GREEN CORRIDOR; AND THE TOWNS OF LANTANA AND MANGONIA PARK FOR THE PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM.

WHEREAS, on June 14, 2016, the Broward County Board of Commissioners approved a countywide property assessed clean energy program; and

WHEREAS, the City of Hollywood is a participating city under the County's PACE program through which City of Hollywood businesses and residents are able to access PACE financing, making the City of Hollywood's agreements redundant; and

WHEREAS, Broward County's PACE program includes all the vendors with which the City of Hollywood has agreements, additional vendors, and additional consumer protections; and

WHEREAS, on June 17, 2015, the City Commission passed and adopted Resolution No. R-2015-146, which provided a mechanism for the financing of energy conservation and efficiency improvements, renewal energy improvements, and wind resistance improvements as well as authorized the execution of a non-exclusive agreement with the Florida Pace Funding Agency; and

WHEREAS, the City and the Florida Pace Funding Agency executed the non-exclusive agreement on March 26, 2015; and

WHEREAS, Section 3.03(A) of the Agreement provides that either party may unilaterally terminate the agreement prior to any Financing Agreements being executed, or if earlier, the issuance of any obligations of the Agency secured by Pledged Revenues derived from within the jurisdiction or boundaries of the Subscriber; and

WHEREAS, at this time neither of the two events stated in Section 3.03(A) has occurred and City staff is recommending that the non-exclusive agreement with Florida Pace Funding Agency be terminated without cause; and

WHEREAS, on July 8, 2015, the City Commission passed and adopted Resolution No. R-2015-190, which authorized the participation in the "Florida Green Energy Works Program" and the "Clean Energy Green Corridor Program", authorized the appropriate City Officials to execute a party membership agreement with the Florida Green

Finance Authority and authorized the execution of an Interlocal Agreement with the Clean Energy Green Corridor District for the administration of these programs in the City; and

WHEREAS, on July 29, 2015, the City and the Florida Green Finance Authority executed the party membership agreement, which incorporated the Interlocal Agreement amongst the Florida Green Finance Authority, the Town of Lantana and the Town of Mangonia Park under which the City is subject to the terms and conditions of the Interlocal Agreement; and

WHEREAS, on July 6, 2016, the City Commission passed and adopted Resolution No. R-2016-188, which authorized the adoption of the second amended and restated Interlocal agreement executed by the Towns of Lantana and Mangonia Park; and

WHEREAS, Section 24 of the Seconded Amended and Restated Interlocal Agreement provides that any party may terminate its involvement and its participation in this Interlocal Agreement upon thirty (30) days' written notice to the other parties; and

WHEREAS, City staff is hereby recommending that the party membership agreement and Interlocal Agreement be terminated without cause; and

WHEREAS, on August 18, 2015, the City and the Green Corridor Property Assessment Clean Energy District ("District") executed an Interlocal for the administration of the programs, and the Interlocal incorporated the terms and conditions of the Amended and Restated Interlocal Agreement in which Section 13 provides that any party may terminate its involvement in the District and participation in the Interlocal upon ten (10) days' written notice; and

WHEREAS, City staff is hereby recommending that the Interlocal Agreement with the District be terminated without cause; and

WHEREAS, pursuant to Section 38.48 (A) of the Code of Ordinances, the City Commission must authorize the termination of a contract when it is without cause, and such decision requires at least a 5/7ths affirmative vote;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That it hereby authorizes the appropriate City Officials to terminate the non-exclusive agreement with the Florida Pace Funding Agency.

Section 2: That it hereby authorizes the appropriate City Officials to terminate the party membership agreement with the Florida Green Finance Authority.

Section 3: That it hereby authorizes the appropriate City Officials to terminate the Interlocal Agreement with the Clean Energy Corridor District.

Section 4: That it hereby authorizes the appropriate City Officials to terminate the Interlocal with the Towns of Lantana and Mangonia Park.

Section 5: That City staff is hereby directed to forward a copy of this resolution to Florida Pace P Funding Agency, the Florida Green Finance Authority, and the Clean Energy Green Corridor and provide the requisite notification letters for termination of each of the respective agreements.

Section 6: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGALITY  
for the use and reliance of the  
City of Hollywood, Florida, only.

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DOUGLAS R. GONZALES, CITY ATTORNEY