



Legislation Details (With Text)

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Title: 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.

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Attachments: 1. RESO_PACEAGREEMENTTERMINATION2017.pdf, 2. BIS 18-024.pdf

Date	Ver.	Action By	Action	Result
12/6/2017	1	Regular City Commission Meeting	adopt	Pass

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.

Staff Recommends: Approval of Resolution

Explanation:

On June 17, 2015, the City Commission passed and adopted Resolution Number R-2015-146, which provide 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. The City and the Florida Pace Funding Agency executed the non-exclusive agreement on March 26, 2015.

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

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”, and authorized the appropriate City Officials to execute a party membership agreement between the Florida Green Finance Authority as well as authorizing the execution of an Interlocal Agreement between the Clean Energy Green Corridor District for the administration of these programs in the City.

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.

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.

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.

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

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.

City Staff is hereby recommending that the Interlocal Agreement with the District be terminated without cause.

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.

Recommended for inclusion on the agenda by:
Dr. Wazir A. Ishmael, City Manager
Lorie Mertens-Black, Chief Civic Affairs Officer
Lindsey Nieratka, Environmental Sustainability Coordinator