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August 3, 2022

MEMORANDUM

TO: Christine Schverak, Interim County Attorney

RE: Item L.2., Previous Motion Clarification of Resolution Intent for Partially Rescinding the Property Assessed Clean Energy (PACE) Program

The Board of County Commissioners, in regular session on August 2, 2022, clarified the previous motion for Resolution No. 22-067, intent for rescinding in part, Resolution No. 18-040, terminating the PACE Program for single-family residential properties and non-profit organizations. Enclosed is a copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

A handwritten signature in blue ink, reading "Kimberly Powell", is written over the typed name and title.

Kimberly Powell, Clerk to the Board

/ds

Encl. (1)

cc: Each Commissioner

RECEIVED
AUG 16 2022
Brevard County Attorney

CORRECTED
RESOLUTION 22-067

A RESOLUTION OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS PARTIALLY RESCINDING RESOLUTION 18-040, TERMINATING THE PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM WITHIN BREVARD COUNTY FOR SINGLE FAMILY RESIDENTIAL PROPERTIES AND NONPROFIT ORGANIZATIONS AND TERMINATING BREVARD COUNTY'S PARTICIPATION AS TO SUCH PROPERTIES IN THE PACE PROGRAMS OF THE FLORIDA GREEN FINANCE AUTHORITY, THE FLORIDA PACE FUNDING AGENCY, THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT AND THE FLORIDA RESILIENCY AND ENERGY DISTRICT; AND PROVIDING FOR THE TERMINATION OF THE RELATED INTERLOCAL AGREEMENTS AS TO SINGLE FAMILY RESIDENTIAL PROPERTIES AND NONPROFIT ORGANIZATIONS PURSUANT TO THE TERMS OF THE INTERLOCAL AGREEMENTS AND PROVIDING FOR SURVIVAL OF ASSESSMENTS; AND DIRECTING COUNTY OFFICIALS, OFFICERS AND EMPLOYEES TO TAKE SUCH ACTIONS AS MAY BE NECESSARY OR DESIRABLE IN FURTHERANCE OF THE PURPOSES OF THIS RESOLUTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on March 20, 2018, the Brevard County Board of County Commissioners adopted Resolution 18-040; and

WHEREAS, Resolution 18-040 created a Property Assessed Clean Energy (PACE) program in Brevard County pursuant to Fla. Stat. Sec. 163.08; and

WHEREAS, the County entered into interlocal agreements with four different agencies to effectuate the PACE program; and

WHEREAS, it has since become clear that the implementation of this program is not in the best interests of the citizens of Brevard County due to lack of consumer protections and oversight; and

WHEREAS, it is the determination of the Brevard County Board of County Commissioners that Resolution 18-040 shall be partially rescinded and the PACE program in Brevard County shall be terminated as to single family residential properties and nonprofit organizations.

NOW, THEREFORE, BE IT RESOLVED THAT THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, does hereby PARTIALLY RESCIND Resolution 18-040 and provides for the termination of the PACE program as follows:

Section 1. Recitals. The recitals set forth above are adopted by the Board as the findings of the County and are incorporated herein.

Section 2. Rescission and Effective Date. Resolution 18-040 is hereby partially rescinded as it pertains to single family residential properties and nonprofit organizations, effective 90 days from the date of execution of this Resolution.

Section 3. Termination of PACE Interlocal Agreements as to Single Family Residential Properties and Nonprofit Organizations. The Brevard County Board of County Commissioners hereby directs the County Attorney's Office to draft and send termination notices as to the use of the PACE program for single family residential properties and nonprofit organizations to the following agencies pursuant to the terms of the individual Interlocal Agreements: the Florida Green Finance Authority, the Florida Pace Funding Agency, the Green Corridor Property Assessment Clean Energy District, and the Florida Resiliency and Energy District. Said notices shall direct the agency that upon receipt of the termination notice no new applications for single family residential properties and nonprofit organizations shall be approved by the agency.

Section 4. Survival of Assessments. Notwithstanding the termination of the PACE program and the PACE Interlocal Agreements, those properties that have previously received financing for improvements shall continue to be part of the PACE agency with which the property owner has an agreement, until such time that all outstanding debt has been satisfied. Any application that has been approved by the agency prior to the agency's receipt of the termination notice shall continue to be part of the PACE agency.

Section 5. Program Boundaries. The provisions of this Resolution shall include the legal boundaries of Brevard County, Florida as set forth in Resolution 18-040.

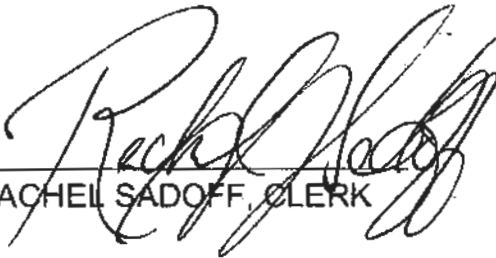
Section 6. Severability. If any one or more of the provisions of this Resolution shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision contained herein.

(Signature Page Follows)

DONE, ORDERED AND ADOPTED, in regular session, this 19th day of July, 2022 and 2nd day of August, 2022.

ATTEST:

BREVARD COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS



RACHEL SADOFF, CLERK

By: 

Kristine Zonka, Chair

As approved by the Board:
July 19, 2022 and August 2, 2022