

RESOLUTION: 2010-_____

A RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, IN SUPPORT OF IMMEDIATE CONGRESSIONAL ACTION TO AUTHORIZE LEGISLATION ALLOWING PROPERTY ASSESSED CLEAN ENERGY ("PACE") PROGRAMS.

WHEREAS, PACE programs can be created by local and state governments allowing property owners to voluntarily finance energy retrofits over a set number of years; and

WHEREAS, PACE financing programs are an innovative local government solution to finance energy efficiency improvements such as weather-stripping, air duct sealing, insulation, heating, ventilating and air condition ("HVAC") controls, lighting, etc.; and

WHEREAS, PACE programs can increase the accessibility and affordability of energy savings measures, consequently lowering energy bills to residents, reducing environmental footprints in participating localities and creating opportunities for private industries and local jobs; and

WHEREAS, the White House and the U.S. Department of Energy strongly support PACE, have directed funding to develop local PACE programs and issued guidelines to ensure that PACE programs meet safety and soundness requirements adequately protecting lenders and property owners; and

WHEREAS, over twenty states have passed laws enabling local governments to develop PACE programs; and

WHEREAS, during the 2010 session, the Florida Legislature passed HB 7179, which provided explicit and supplemental authority for the creation of voluntary energy finance districts; and

WHEREAS, in 2009 the Board began exploring the formation of a PACE program and on March 23, 2010, the Board authorized the development of the Leon Energy Assistance Program ("LEAP") with one component including 100 free home energy audits required to secure financing for energy efficiency improvements; and

WHEREAS, the LEAP program was met with great enthusiasm and interest from the community as all 100 energy audit participants were registered within 24 hours of opening; and

WHEREAS, on April 13, 2010, the Board adopted Ordinance No.10-12, which is consistent with HB 7179, and which formed an Energy Improvement District for the purpose of encouraging, accommodating, and financing energy efficiency improvements on residential and commercial properties making Leon County the first in Florida to enact such a program; and

WHEREAS, despite PACE's great promise, the Federal Housing Finance Agency ("FHFA") and the Office of the Comptroller of the Currency ("OCC") on July 6, 2010 issued statements that prohibited Fannie Mae and Freddie Mac mortgagees from participating in PACE programs, effectively forcing existing PACE programs to halt operations and freezing the development of dozens of PACE programs nationwide; and

WHEREAS, it has been found that approximately 50% of the LEAP participants currently hold a mortgage through either Fannie Mae or Freddie Mac and would thereby not be eligible to participate in the LEAP program financing; and

WHEREAS, consistent with HB 7179, the Leon County Board of County Commissioners finds that the development and implementation of a PACE program is in the public interest and in the best interest of the health, safety, and economic welfare of the citizens of Leon County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, that:

1. That the foregoing recitals are hereby incorporated by reference herein.
2. That the Board of County Commissioners of Leon County, Florida hereby urges Congress, the Federal Housing Finance Agency, Fannie Mae and Freddie Mac to revise policies and enact legislation clarifying the authority of local governments to enact property assessed clean energy (PACE) financing programs just like other local taxing districts.
3. That the Board of County Commissioners of Leon County, Florida hereby urges the Florida Congressional delegation to support legislation that clearly guarantees local governments the right to assess special taxes for energy efficiency programs and restores the promise of PACE.
4. That the County Administrator or designee is hereby directed to transmit a certified copy of this resolution to President Barack Obama, Senators Bill Nelson and George LeMieux, the members of the Leon County Congressional Delegation, the Acting Director of the Federal Housing Finance Agency, the President and Chief Executive Officer of Fannie Mae and the Chief Executive Officer of Freddie Mac.
5. That the Chairman of the Board of County Commissioners and the County Administrator are authorized to write letters to Florida's Congressional and State delegations asking for their support and to indicate Leon County's support for future local, regional, and statewide PACE initiatives.

DONE AND ADOPTED by the Board of County Commissioners of Leon County,
Florida, on this the 9th day of November 2010.

LEON COUNTY, FLORIDA

BY: _____
Bob Rackleff, Chairman
BOARD OF COUNTY COMMISSIONERS

ATTEST:

BOB INZER, CLERK OF THE CIRCUIT COURT
LEON COUNTY, FLORIDA

BY: _____

APPROVED AS TO FORM:

OFFICE OF THE COUNTY ATTORNEY
LEON COUNTY, FLORIDA

BY: _____
Herbert W. A. Thiele
County Attorney