File #: 17-1968A, **Version:** 1

Subject:

Ordinance amending Pinellas County Code Chapter 42, Consumer Protection, by adding new Article XIII, Property Assessed Clean Energy (PACE) Program, providing for minimum standards and limitations for the operation of any PACE Program within Pinellas County.

Recommended Action:

Adopt a proposed ordinance amending Pinellas County Code Chapter 42, Consumer Protection, by adding new Article XIII Property Assessed Clean Energy (PACE) Program.

Strategic Plan:

Ensure Public Health, Safety, and Welfare
2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

Practice Superior Environmental Stewardship
3.1 Implement green technologies and practices where practical

Deliver First Class Services to the Public and Our Customers
5.1 Maximize partner relationships and public outreach

Summary:

The Board of County Commissioners (Board) directed the County Attorney's Office to draft an ordinance that provides for minimum standards and limitations for the operation of any PACE Program within the County.

Background Information:

During the May 18, 2017 Work Session, the Board provided direction to staff to include residential properties as eligible for the PACE program with additional consumer protections. On August 15, 2017, a proposed ordinance was brought forward and during that meeting, the Board directed that a stakeholder forum be held to achieve consensus on issues raised. That forum was held and the resulting proposed ordinance is brought now for consideration as a result of the agreements reached and additional comments received. A redline version noting those agreements as well as the final version of the ordinance are attached. If this ordinance is enacted, it would establish the PACE Program throughout the County for both commercial and residential properties. Municipalities retain the ability to opt out of this ordinance.

PACE programs are authorized generally by §163.08, Florida Statutes, which provides that certain improvements to real properties for energy conservation and efficiency, renewable energy improvements, or wind resistance improvements may qualify for funding through governmental programs. The programs allow funding financed by a local government to be voluntarily collected through the non-ad valorem assessment process. Several special purpose local governments have

been created by interlocal agreement of cities and counties throughout Florida. For these special purpose governments to be able to provide services within Pinellas County, the County must have an interlocal agreement with such special purpose local government to allow it to utilize the ability of the County to place assessments on the County tax rolls. Interlocal agreements with any PACE Program that will operate within Pinellas County would be the subject of future Board action.

This proposed ordinance creates a set of minimum standards for a PACE Program operated and administered by a special purpose local government, or its third party administrator, within the County. These standards are intended to create consumer protections above those required by statute and maintain the separation between Pinellas County government and any PACE provider. At the same time, it allows any PACE Program with which the County has an interlocal agreement the ability to place assessments on the County tax rolls.

This ordinance is countywide and will allow 120 days for any municipality that desires to opt out of such requirements to do so by passing an ordinance in conflict with the County ordinance.

Fiscal Impact:
N/A

Staff Member Responsible:
Jewel White, County Attorney
Donald S. Crowell, Chief Assistant County Attorney

Partners:
N/A

Attachments:
Redline version of proposed PACE Program ordinance
Final version of proposed PACE Program ordinance
Public hearing notice for 11/28/17 BCC meeting
PACE Program PowerPoint Presentation