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RESOLUTION NO. 2010-08

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, SUPPORTING THE PROPOSED GREEN CORRIDOR LEGISLATION; TRANSMITTING THIS RESOLUTION TO CERTAIN PUBLIC OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Mayor Eugene P. Flinn, Jr.)**

**WHEREAS**, the Mayor and Village Council have previously stated that it finds climate change to be one of the most serious issues facing our planet today. In January of 2009, Mayor Flinn formally supported the goals and objectives of the U.S. Conference of Mayors' by signing the Climate Protection Agreement, as one of our steps in working to reduce our carbon footprint; and

**WHEREAS**, the Village Council continues to be deeply concerned about the adverse effects of climate change and the future health and well-being of not only our planet, but our community as well; and

**WHEREAS**, the Village Council is similarly concerned with the continued dependence of the United States and the State of Florida on conventional energy sources, whose use has been scientifically proven to contribute significantly to the threat of climate change; and

**WHEREAS**, the Village Council recognizes the importance of encouraging the expansion of the use of renewable energy sources in order to diversify the state's energy supplies, reduce dependence on foreign oil, and mitigate the effects of climate change; and

**WHEREAS**, the Village would like to encourage the increased use of renewable energy sources by its residents, but one of the most significant impediments to the purchase by home owners of products that produce energy from renewable sources, and solar panels in particular, is the upfront cost associated with those devices; and

**WHEREAS**, the Village supports the creation of a voluntary special assessment program that provides a local governing entity or entities the authority to finance the installation of renewable energy sources that are permanently fixed to real property, thereby eliminating the primary impediment to the purchase of devices that produce renewable energy; and

**WHEREAS**, the Village further supports the creation of special assessment districts to be named Green Corridors that can consist of a single municipality or several municipalities, a single county or several counties, or any other combination thereof; and

**WHEREAS**, these Green Corridors would be able to utilize the special assessment process to facilitate the financing and installation of renewable energy sources to be permanently attached to previously developed, private lots or parcels; and

**WHEREAS**, the Village Council supports the proposed legislation that would create the Green Corridor program, attached hereto as Exhibit "A"; and

1           **WHEREAS**, the Village Council believes that it is in the best interest of the health safety,  
2 and welfare of residents of the Village for the state of Florida to create a Green Corridor  
3 program.  
4

5           **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**  
6 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**  
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8           **Section 1.**       The above recitals are true and correct and are incorporated herein by this  
9 reference.

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11           **Section 2.**       The Village of Palmetto Bay (the "Village") hereby supports legislation  
12 that would create a special assessment program which would assist in the financing of renewable  
13 energy producing devices in substantially the form attached hereto as Exhibit "A".  
14

15           **Section 3.**       The Village Clerk is hereby directed to transmit copies of this Resolution  
16 to the Governor of the State of Florida, the President of the Florida Senate, the Speaker of the  
17 Florida House of Representatives, any Members of the Florida House of Representatives or  
18 Florida Senate introducing legislation in accordance with the terms of this Resolution, and the  
19 Mayors and Members of the governing bodies of the municipalities within Miami-Dade County.  
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21           **Section 4.**       This resolution shall take effect immediately upon adoption.  
22

23           PASSED and ADOPTED this 11<sup>th</sup> day of January, 2010.  
24

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26       Attest: Meighan Rader  
27               Meighan Rader,  
28               Village Clerk  
29

Eugene P. Flinn, Jr.  
Eugene P. Flinn, Jr.,  
Mayor

30       APPROVED AS TO FORM:  
31

32       Eve A. Boutsis  
33       Eve A. Boutsis,  
34       Office of Village Attorney  
35

36       FINAL VOTE AT ADOPTION:  
37

38       Council Member Ed Feller	<u>YES</u>
39	
40       Council Member Howard Tendrich	<u>YES</u>
41	
42       Council Member Shelley Stanczyk	<u>YES</u>
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44       Vice-Mayor Brian Pariser	<u>YES</u>
45	
46       Mayor Eugene P. Flinn, Jr.	<u>YES</u>

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3 EXHIBIT "A"  
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5 A bill to be entitled  
6

7 An act relating to special assessments; amending s. 170.01  
8 F.S.; proving a short title; declaring that a public purpose is  
9 served when renewable sources of energy are financed by  
10 local governing entities; providing legislative intent;  
11 establishing a process for the creation of Green Corridors  
12 and Green Corridor Councils; providing for the  
13 participation of individual property owners in the Green  
14 Corridor; providing for the levy and collection of special  
15 assessments by Green Corridor Councils against property  
16 owners who have voluntarily participated in the Green  
17 Corridor program and have benefited from the addition by  
18 the municipality of renewable energy sources to their  
19 property; providing an effective date.  
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21

22 Be It Enacted by the Legislature of the State of Florida:  
23

24 Section 1. This act may be cited as the "Green Corridor Creation Act."  
25

26 Section 2. Subsection (4) is added to section 170.01, Florida Statutes, to read:  
27

28 170.01 Authority for providing improvements and levying and collecting  
29 special assessments against property benefited.--  
30

31 (4) The Legislature of the State of Florida recognizes the importance of encouraging  
32 the expansion of the use of renewable energy sources in order to diversify the state's  
33 energy supplies, reduce dependence on foreign oil, and mitigate the effects of climate  
34 change. The Legislature declares that a public purpose will be served by a special  
35 assessment program that provides a local governing entity or entities the authority to  
36 finance the installation of renewable energy sources that are permanently fixed to real  
37 property.  
38

39 (a) As used in this subsection, the term:  
40

41 1. "Green Corridor" means a special assessment district composed of a single  
42 municipality or several municipalities, a single county or several counties, or any other

1 combination thereof that is created to facilitate the financing and installation of  
2 renewable energy sources.

3  
4 2. “Green Corridor Council” means the governing body of a Green Corridor that may  
5 levy and collect special assessments against property benefited by the installation of  
6 renewable energy sources to the property of the individually affected property owners.

7  
8 (b) LEGISLATIVE INTENT.--It is the intent of this act to encourage the creation of  
9 special assessment districts to be named Green Corridors that can consist of a single  
10 municipality or several municipalities, a single county or several counties, or any other  
11 combination thereof. A Green Corridor utilizes the special assessment process to  
12 facilitate the financing and installation of renewable energy sources to be permanently  
13 attached to previously developed, private lots or parcels. The Green Corridor program  
14 is to be used in conjunction with the programs described in part III of chapter 377,  
15 Florida Statutes, entitled, “Renewable Energy and Green Government Programs.”

16  
17 (c) A Green Corridor may be created pursuant to section 4(a), subject to the approval,  
18 by a majority vote of the governing body each participating public entity, of an  
19 interlocal agreement that sets forth the terms and conditions of the Green Corridor and  
20 the selection of a Green Corridor Council to oversee the creation and operation of the  
21 Green Corridor.

22  
23 (d) Individual property owners residing within public entities that have chosen to  
24 participate in the Green Corridor may voluntarily opt to participate in the Green  
25 Corridor. Individual property owners can not be compelled to participate in the Green  
26 Corridor program.

27  
28 (e) The Green Corridor Council, subject to the voluntary approval of the individually  
29 affected property owners, may levy and collect special assessments against property  
30 benefited by the installation of renewable energy sources to the property of the  
31 individually affected property owners, for the purpose of reducing the dependence of  
32 the benefited property on non-renewable energy sources, increasing the benefited  
33 property’s value, and reducing the carbon emissions from the use of those non-  
34 renewable energy sources which adversely impact the climate.

35  
36 Section 2. This act shall take effect October 1, 2010.  
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