

RESOLUTION NO. 2017-160

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, ESTABLISHING A POLICY AS REGARDS FINANCING ENERGY CONSERVATION AND EFFICIENCY IMPROVEMENTS, RENEWABLE ENERGY IMPROVEMENTS AND WIND RESISTANCE IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Nassau County, Florida, entered into a Subscription Agreement related to the funding and financing of qualifying improvements by the Florida Pace Funding Agency; and

WHEREAS, the Board has found it necessary to adopt a policy that would provide that the County would only facilitate competition consistent with the general law provisions the Legislature has laid out, and to act minimally to provide consent or serve as a “limited member”, and to keep the County separate and apart from other governmental entities authorized and regulated by the State Legislature, while encouraging competition, choice and service to interested private property owners.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, THAT:

1. The Board of County Commissioners of Nassau County, Florida, hereby adopts the following policy on how to address requests for future interlocal agreements with other issuers as regards financing energy conservation and efficiency improvements, renewable energy improvements and wind resistance improvements:

The County may enter into one or more agreements, to the extent needed and requested by any such special purpose local government issuer. Notwithstanding any provision to the contrary therein, any such agreement shall expressly state it is deemed and construed as a consent or may be characterized as a limited membership in the issuer, for the sole and exclusive purpose of recognizing the ability to, or consenting to the intent of the issuer to, serve private property owners and, independent of the County, to impose the issuer’s non-ad valorem assessments in conformance with general law upon voluntary application of property owners within the County, and for no other purpose. Any such agreement must affirm by incorporation a commitment to compliance with general law, recognize the County is assuming no tort or financial liability whatsoever, provide for indemnity and recognize each party does not waive sovereign immunity, recognize that neither party is contracting away any police power, and

provide for termination at any time upon notice by either party. Such consent or limited membership is merely supplemental authority for such issuer to serve and does not and shall not carry with it any express or implied obligations, liabilities, or responsibilities on the part of the County whatsoever.

2. This Resolution shall become effective upon its adoption.

DULY ADOPTED this 27th day of November, 2017.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



DANIEL B. LEEPER
Its: Chairman

ATTEST AS TO CHAIRMAN'S SIGNATURE:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MBS
11-29-17

Approved as to form by the Nassau County Attorney:



MICHAEL S. MULLIN