

Levy County Board of County Commissioners
Agenda Item Summary

1. DEPARTMENT MAKING REQUEST/NAME/EXTENSION:

Anne Bast Brown, Ext. 3389

2. MEETING DATE:

February 21, 2017

3. REQUESTED MOTION/ACTION:

Notification to the Board that an executive session is desired to discuss settlement or strategy related to litigation expenditures in *American Atheists, Inc., and Charles Ray Sparrow v. Levy County*. The executive session is requested to convene on Tuesday, March 7, 2017, at 11:00 a.m. at Hearing Room B, Levy County Courthouse, 355 South Court Street, Bronson, Florida.

4. IS THIS ITEM BUDGETED (IF APPLICABLE)?: Yes__ No__ *IF NO, STATE ACTION REQUIRED NOT APPLICABLE*

BUDGET ACTION:

DETAILED ANALYSIS ATTACHED?: Yes__ No__ BUDGET OFFICER APPROVAL NOT APPLICABLE DATE _____

FUNDING SOURCE: ACCOUNT NUMBER:

5. BACKGROUND: (WHY IS THE ACTION NECESSARY, AND WHAT ACTION WILL BE ACCOMPLISHED)

The County Attorney and outside counsel desire advice from the Board concerning the case of *American Atheists, Inc., and Charles Ray Sparrow v. Levy County*. An executive session has been scheduled for Tuesday, March 7, 2017, at 11:00 a.m. with the session to be opened in the Commission meeting room, and reconvened at Hearing Room B, Levy County Courthouse, 355 South Court Street, Bronson, Florida. The session is not a public hearing and will be held in accordance with section 286.011(3), Fla. Stat. A court reporter will record the session and the transcript thereof will become a public record at the conclusion of the litigation.

6. RECOMMENDED APPROVAL AND DATE (YES & NO BLOCK INDICATE IF APPROVAL IS/IS NOT REQUIRED)

DEPARTMENT DIRECTOR YES__ NO__	OTHER YES__ NO__	OTHER YES__ NO__	OTHER YES__ NO__	COUNTY ATTORNEY YES__ NO__	COUNTY COORDINATOR YES__ NO__

7. COMMISSION ACTION:

APPROVED

DENIED

DEFERRED DATE TO BRING BACK:

OTHER SPECIFY:

**REGULAR MEETING
LEVY COUNTY BOARD OF COUNTY COMMISSIONERS
NOVEMBER 22, 2016**

The Regular Meeting of the Board of Levy County Commissioners was held on November 22, 2016 at 9:00 A.M. in the Levy County Board of County Commissioners meeting room with the following Commissioners present:

Chairman John Meeks
Comm. Rock Meeks
Comm. Matt Brooks
Comm. Lilly Rooks
Comm. Mike Joyner

Also present were:

County Attorney – Anne Bast-Brown
County Coordinator – Fred Moody
Danny J. Shipp – Clerk of Court

Chairman John Meeks called the Meeting to order at 9:03 A.M. Comm. Rock Meeks gave the invocation, followed by the Pledge of Allegiance.

EXPENDITURES

Comm. Joyner made a motion to approve the following expenditures presented for payment. Second was made by Comm. Brooks and the MOTION CARRIES.

CHECK NUMBER	125644-125807
FUND	AMOUNT
GENERAL REVENUE	104,943.89
ROAD	55,623.52
PAL LIBRARY	11,968.00
MOSQUITO CONTROL	679.09
TRANSPORTATION	24,161.34
COURT FACILITIES	15.00
EMS	39,006.92
FIRE	25,956.22
TOURIST DEVELOPMENT	3,431.10
UTILITIES	2,009.67
COMMUNICATION	163.79
ADD COURT COSTS	669.50
LANDFILL	85,749.97
TOTAL	\$ 354,378.01

MINUTES

The minutes for the Regular Board meeting held on September 20, 2016 were presented for Board approval.

Comm. Rock Meeks made a motion to approve the minutes for the Regular Board meeting held on September 20, 2016 as presented. Second was made by Comm. Joyner and the MOTION CARRIES.

SWEARING IN OF COMMISSIONERS

Swearing in of Comm. Mike Joyner and newly elected Comm. Matt Brooks was done by Judge Browning. Swearing in of Comm. John Meeks was done by Judge Smith.

PUBLIC COMMENT

Renate Cannon stated she had recently attended the Levy County Constitutional and Court Facilities Committee meeting and shared her concerns of funding sources for construction of a new courthouse which was recommended by the Chief Judge.

Chris Smith with Likwid Communications spoke to the Board of offering fiber optic broadband services for Levy County. He stated he will come back with a presentation at a later date.

PUBLIC HEARING NATURE COAST BUSINESS DEVELOPMENT COUNCIL

David Pieklik, Executive Director

- A. Request adoption of Ordinance 2016-03 amending provisions of the Economic Development Fund Incentive Program; adopt Resolution 2016-072 adopting amended Guide and Application for Economic Development Incentives Program.

Mr. Pieklik presented and requested Board approval of Ordinance 2016-03 amending provisions of the Economic Development Fund Program.

Atty. Brown read the Ordinance into public record.

Comm. John Meeks asked if there were any members of the audience wishing to speak regarding the Ordinance as presented. There were none.

Comm. Joyner made a motion to approve Ordinance 2016-03 as presented. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

Atty. Brown stated Resolution 2016-072 adopts the revised application form for the Economic Development Incentives Program.

Comm. Joyner made a motion to approve Resolution 2016-072 as presented. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

- B. Consider Economic Development Fund Incentives Application from Beall's Outlet Stores, store #175, Chiefland.

Mr. Pieklik requested, based on the submitted application, the Board to make the determination if the applicant, Beall's Outlet Stores #175 in Chiefland is entitled to the requested incentive. If so, Mr. Pieklik requested the Board determine an appropriate award amount.

Comm. Rock Meeks made a motion to approve the applicant's incentive application with no amount set at this time. Second was made by Comm. Joyner and the MOTION CARRIES.

LINDA COOPER

- A. Request the County to leave the price of printing the Levy County Delinquent Tax List at the bid price of \$.06 per line for which the Levy County Journal printed it for the last two (2) years.
- B. How is the County now addressing only the Delinquent Tax List printing but to my knowledge have not addressed or bid out the regular County or Board legal advertising?
- C. Request to form a committee to place on electronic bulletin board all legal advertising for taxpayers to view at their leisure and not have to hunt for the information such as zoning changes, public meeting, etc.

Atty. Brown and the Commissioners addressed questions and concerns indicated above by Ms. Cooper.

Members of the audience speaking regarding this item were: Barney Cannon, Toni Collins and Robert Jordan.

Comm. Joyner made a motion to submit for bids for advertising and to allow Mr. Dean to set the corresponding dates. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

U.S. WAR DOG ASSOCIATION, CHAPTER 2

Barbara Snow presented the Board with a shadow box for MWD Jukon, a military working dog belonging to Judie Mindrum. The shadow box is placed on the Veteran's wall located in the Courthouse lobby.

DEPARTMENT REPORTS

COUNTY COORDINATOR

Wilbur Dean, Interim County Coordinator

- A. Request to allow County Attorney freedom to negotiate items up to \$2,500. – TABLED –
- B. Mr. Dean requested direction from the Board regarding Board meeting dates which fall on the Tuesday directly following a holiday on a Monday. He asked if they would consider holding this particular meeting in the evening instead of at 9:00 A.M. Mr. Dean pointed out there is a meeting coming up in January which will fall under such circumstances. The second meeting in January is on the 17th which follows a Monday Holiday, Martin Luther King Day.

After discussion and input from the audience, it was agreed by the Commissioners to keep the January 17th meeting time as it is scheduled at 9:00 A.M.

PARKS AND RECREATION

Matt Weldon requested Board approval of RIVER Cost Share Agreement with Suwannee River Water Management District. Approval of this agreement will give permission to move forward with the Blue Springs Renovation Project.

Comm. Rock Meeks made a motion to approve the RIVER Cost Share Agreement with Suwannee River Water Management District as requested. Second was made by Comm. Joyner and the MOTION CARRIES.

TOURIST DEVELOPMENT

Carol McQueen

Request approval and signature of the Chairman on the Amending Agreement with the Conservation Fund. The Amendment is to change the deadline of the agreement from November 30, 2016 to March 31, 2017.

Comm. John Meeks presented on behalf of Mrs. McQueen the Amending Agreement with the Conservation Fund used to compile a shellfish trail map. The amendment is to change the deadline of the agreement from November 30, 2016 to March 31, 2017 and as it has been signed and submitted, requires ratification by the Commissioners.

Comm. Joyner made a motion to ratify the Amending Agreement with the Conservation Fund as requested. Second was made by Comm. Brooks and the MOTION CARRIES.

GRANTS

Tisha Whitehurst requested Board approval to adopt Resolution 2016-073, amending the powers and duties of the RESTORE Act Advisory Committee to include review of Pot 3 Projects. Currently, the Committee meets monthly to discuss the progress with Pot 1 funds only for the RESTORE Act.

Comm. Joyner made a motion to approve Resolution 2016-73 as requested. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

Mrs. Whitehurst added Levy County is to receive over \$2 million for Pot 1 funds and she is expecting Levy County to receive \$12.6 million for Pot 3 monies. She stated Levy County was not expecting to receive any Pot 2 money as this was a completely different category and the county was not eligible, but the University of Florida had applied and were awarded \$8.3 million for a Levy County Oyster Reef project. There will be a representative present at the December 6th meeting with a presentation.

SHIP

Marlon Gayle requested Board approval for the Finance Department to issue a refund payment of \$3,048.09 to Security Title regarding a SHIP Rehabilitation mortgage for the Estate of Lavonda Kennedy. The attorney for the estate and the title company were unaware Ms. Kennedy's death would automatically trigger a satisfaction once the death certificate was recorded. Once aware of this, they requested a refund.

Comm. Joyner made a motion to approve the refund to Security Title as requested. Second was made by Comm. Brooks and the MOTION CARRIES.

DEPARTMENT OF PUBLIC SAFETY

Alesha Renaudo, Assistant to the Public Safety Director

Request approval from the Board and Chairman's signature for the annual County Award Grant for the improvement and expansion of EMS Services as well as adoption of Resolution 2016-075.

Mrs. Renaudo requested Board approval and Chairman's signature for the Annual County Award Grant in the amount of \$4,707.00 for the improvement and expansion of EMS services as well as adoption of Resolution 2016-075.

Comm. Rock Meeks made a motion to approve Resolution 2016-075 and the Chairman's signature on the annual County Award Grant as requested. Second was made by Comm. Brooks and the MOTION CARRIES.

ROAD DEPARTMENT

Casey Duquette, Administrative Field Manager

Mr. Duquette requested Board approval to submit:

- A. CIGP (County Incentive Grant Program) application for CR 347 beginning at Alt. 27 and ending at US 19/98 for approximately 4.01 miles with authorization of Mrs. LaLonde to sign. This project consists of widening and re-surfacing the roadway from the existing lane width of 20' to 22".
- B. CIGP (County Incentive Grant Program) application CR 345 beginning at Alt. 27 and ending at SR 129 for approximately 2.53 miles with authorization of Mrs. LaLonde to sign. This project consists of widening and re-surfacing the roadway from the existing lane width of 20" to 22".
- C. SCRAP (Small County Road Assistance Program) application for C32-B beginning at SR 24 and ending at C32 (NE 90th Ave.) with authorization of Mrs. LaLonde to sign. The road is approximately .61 miles long and the project consists of re-surfacing the roadway.

Comm. Joyner made a motion to approve the three (3) above listed Grant applications with approval for Mrs. LaLonde to sign. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

Mr. Duquette reported to the Board construction on Shell Mound Road has begun.

PUBLIC COMMENT

Dana Sheffield spoke to the Board and welcomed Comm. Matt Brooks. Barney Cannon also spoke.

COMMISSIONERS' REPORTS

Comm. Joyner and Comm. Rock Meeks wished everyone a safe and Happy Thanksgiving.

Comm. Brooks reported a recently attended Small County Coalition meeting pointing out several items of interest to Levy County. He also wished everyone a safe and Happy Thanksgiving.

Comm. J. Meeks gave dates and times of upcoming events:

Cedar Key Chamber of Commerce annual auction will be Saturday, November 26th from 1:00 P.M. to 3:00 P.M. at the Cedar Key Community Center.

Clay Landing Days will be Friday and Saturday, November 25th and 26th from 10:00 A.M. to 3:00 P.M. at Manatee Springs State Park.

Christmas Tree Lighting in Cedar Key will be in the City Park on November 25th.

There will be a Color Run 5K on Saturday, December 3rd at the City Park sponsored by the Bronson Middle High School Travel Club starting at 8:30 A.M.

The Light Up Williston event will be at Heritage Park and Christmas Parade is on December 3rd.

Festival of Lights and Boat Parade in Fanning Springs will be on December 3rd at the Fanning Springs State Park. Chiefland Christmas Festival is on December 10th.

Discussion of letter from FDOT; National Highway System update to US 41 from the Marion County line to US 27 Alt. Roadway, ID: 34040000 from MP 0.000 to MP 11.823. This roadway segment is 11.823 miles in length is functionally classified as "rural principal arterial-other", which is defined as a highway which provides access between an arterial and a major port, airport, public transportation facility, or other intermodal transportation facility. Comm. John Meeks stated the letter is accompanied by an Application for National Highway System Change, which requires his signature.

Those in the audience speaking regarding this item were: Renate Cannon, Robert Jordan and Sallie Ann Collins.

Comm. John Meeks asked if Casey Duquette could assist Atty. Brown to prepare a letter indicating the Board's interest in a stoplight at the intersection of CR 326 and SR 41 in return for signing the application as requested.

Comm. John Meeks provided lists of 2017 Board appointments to each of the Commissioners for their review. Decisions would be made at a later date.

Comm. John Meeks stated if there are any Legislative priorities they have as a Board, they should be discussed in upcoming meetings so they may be presented as a clear and concise package to the Legislative Delegation meeting which will be in January.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNED AT 12:11 P.M.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
LEVY COUNTY, FL

Clerk of Court, Danny J. Shipp

Chairman, John Meeks

**REGULAR MEETING
LEVY COUNTY BOARD OF COUNTY COMMISSIONERS
DECEMBER 6, 2016**

The Regular Meeting of the Board of Levy County Commissioners was held on December 6, 2016 at 9:00 A.M. in the Levy County Board of County Commissioners meeting room with the following Commissioners present:

Chairman John Meeks
Comm. Rock Meeks
Comm. Matt Brooks
Comm. Lilly Rooks
Comm. Mike Joyner

Also present were:

County Attorney – Anne Bast Brown
Interim County Coordinator – Wilbur Dean
Danny J. Shipp – Clerk of Court

Chairman John Meeks called the Meeting to order at 9:03 A.M. Comm. Joyner gave the invocation, followed by the Pledge of Allegiance.

EXPENDITURES

Comm. Rock Meeks made a motion to approve the following expenditures presented for payment. Second was made by Comm. Brooks and the MOTION CARRIES.

CHECK NUMBER	125808-125926
FUND	AMOUNT
GENERAL REVENUE	1,427,378.92
ROAD	46,572.16
SHIP	3,048.09
TRANSPORTATION	15,444.02
911	40,046.09
COURT FACILITIES	52.00
EMS	9,092.92
FIRE	3,056.68
TOURIST DEVELOPMENT	241.82
UTILITIES	117.68
LANDFILL	6,846.83
TOTAL	\$ 1,551,897.21
 EFT PAYMENT	 \$ 18,300.01

PUBLIC HEARING

A. Wilbur Dean, Interim County Coordinator requested Board approval of Ordinance 2016-05 for the adoption of Procurement Regulations for Procurements funded by Federal Grants.

Atty. Brown read the Ordinance title into public record.

Comm. John Meeks asked if there was anyone in the audience wishing to speak for or against the item presented.

Renate Cannon asked questions and was answered by Comm. John Meeks.

Comm. Rooks made a motion to approve Ordinance 2016-05 as presented. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

- B. Bill Hammond, Development Director requested Board approval of Hardship Variance 16-02 for Robert Gosselin.

Comm. John Meeks asked if there was any ex-parte communication regarding this item. There was none stated. Atty. Brown swore in members of the audience wishing to speak for or against this item.

A question was asked by Sallie Ann Collins and answered by Mr. Hammond.

Comm. Joyner made a motion to approve Hardship Variance 16-02 as presented. Second was made by Comm. Rooks and the MOTION CARRIES.

BUILDING AND ZONING

Bill Hammond, Development Director requested a date be scheduled for a Public Hearing for Levy Stone, an application for a Special Exception for a mine in the Morriston/Montbrook area.

Comm. Joyner made a motion to set a date for the Public Hearing at the next regular Board meeting. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

Atty. Brown reminded the Commissioners to keep track of any ex-parte communication regarding this item.

LEVY COUNTY SHERIFF'S OFFICE – 911 ADDRESSING

Mike West, 911 Addressing requested Board approval to purchase two (2) MapFlex Servers with West Professional Services and CenturyLink labor out of 911 Carry-Forward Funds. This project is to refresh the single server used for E911 Mapping to two (2) servers for redundancy.

Comm. Joyner made a motion to approve the purchase two (2) servers as requested. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

UNIVERSITY OF FLORIDA – DR. PETER FREDERICK

Dr. Peter Frederick gave a brief presentation to Commissioners about a new University of Florida \$8.3 million Oyster Restoration Project approved for Levy County waters which will take place in Suwannee Sound over an eight (8) year period. This project is supported by monies from RESTORE funds, but does not compete with county funding sources.

Those in the audience speaking regarding this item were Renate Cannon and Sallie Ann Collins.

DEPARTMENT REPORTS

TRANSIT

Connie Conley, Director requested Board approval of the following Resolutions for Grant Applications:

Resolution 2016-076 authorizing the signing and submission of a Section 5339 Grant Application with supporting documents and assurances for fiscal year 2017. This Grant application is for Capital assistance and the requested amount is \$145,854.00 which will be used to purchase two (2) buses at 100%.

Resolution 2016-074, authorizing the signing and submission of a grant application and supporting documents, certifications and assurances for fiscal year 2017. This Grant application is for Operating assistance and the requested amount is \$500,000 at 50%.

Comm. Joyner made a motion to approve Resolutions 2016-76 and 2016-74 for Grant Applications as requested. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

PARKS AND RECREATION

Matt Weldon, Director requested Board approval of the new estimate from Marlin Marine for repairs to Waccasassa Channel Markers.

Rob Davis of Preble-Rish, Inc. explained the amount of the estimate increased after closer investigation of damages by \$8,500.00. The total estimated cost for replacement of the Channel Markers and repairs after Hurricane Hermine is now \$33,500.00.

Comm. Rooks made a motion to approve the increase of \$8,500 for Channel Marker replacement and repair to be done by Marlin Marine as requested. Second was made by Comm. Joyner and the MOTION CARRIES.

NON-AGENDA ITEM/ROAD DEPARTMENT

Comm. Rooks made a motion to hear a non-agenda item concerning the Road Department as requested by Mrs. LaLonde. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

Mrs. LaLonde stated at the last meeting Casey Duquette was instructed to assist with Wilbur Dean, Interim County Coordinator and Atty. Brown to present a letter to the Florida Department of Transportation as a result of their request for the Board's approval and Chairman's signature on an Application for National Highway System Change. This would update the 11.823 mile segment of US 41 from the Marion County Line to US 27 Alt. to be classified as "rural principal arterial-other". The letter Mrs. LaLonde presented requests action be taken by the Florida DOT regarding placing traffic control devices at the intersections of US 41 and CR 326 and US 41 and CR 323. This request is made as a result of numerous accidents at these intersections recently. If and when the Board receives some positive feedback regarding the methods for addressing the safety concerns in the area, and any benefits or definitive proposals for improvements derived from the Application for reclassification, the Board will be able to adequately consider providing support to the Application.

Comm. Joyner made a motion to approve the letter with the Chairman's signature to be sent to the Florida DOT as presented. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

Alice LaLonde, Administrative Office Manager requested Board approval to purchase plastic drain pipe for Cedar Key Mobile Home Village as a result of flooding issues created by Hurricane Hermine. An estimate was provided by HD Supply Waterworks in the amount of \$8,214.80

Comm. Rooks made a motion to approve the purchase of drain pipe from HD Supply Waterworks as requested. Second was made by Comm. Rock Meeks and the MOTION CARRIES.

COUNTY ATTORNEY

Anne Bast Brown requested direction from the Board regarding regulations governing applications, processing and issuance of development permits or other approvals or regulations for medical marijuana use, cultivation, processing, transport, or dispensing, including direction for preparation of moratorium on issuance of such permits.

Comm. Rooks made a motion to set a moratorium on issuance of permits or other approvals or regulations regarding medical marijuana in Levy County for nine (9) months. Second was made by Comm. Brooks and the MOTION CARRIES.

Audience members speaking regarding this item were: Robert Jordan, Renate Cannon.

PUBLIC COMMENTS

Brett Beauchamp reported to the Board there has been a new Ag. Deputy named, Bubba Wells.

Mayor Weiss invited everyone to the Inglis/Yankeetown Boat Parade coming up on December 17th. The Inglis Christmas parade will be this Saturday at 4:00 P.M.. Mayor Weiss stated Inglis had received several donated sewing machines from A-1 Sewing Machines for an after school program.

Comm. Brooks reported of his attendance in Orlando this past week of the Florida Association of Counties Legislative Conference and stated he will begin his 18 month Certified County Commissioner training.

The meeting recessed at 10:57 A.M.

The meeting reconvened at 2:00 P.M.

RFQ INTERVIEWS

The following Engineering Firms presented proposals to the Board in order to be selected to the Library of Engineers which the Board will utilize according to what each firm specializes in:

Mittauer and Associates, Inc.
Dewberry, Preble-Rish
Amec Foster Wheeler
Jones Edmunds
DRMP, Inc.
CHW Professional Consultants
Passero Associates

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING
ADJOURNED AT 4:07 P.M.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
LEVY COUNTY, FL

Clerk of Court, Danny J. Shipp

Chairman, John Meeks

COUNTY COMMISSIONERS LEVY COUNTY, FLORIDA



GOVERNMENT
SERVING
CITIZENS

John Meeks
District 1

Rock Meeks
District 2

Mike Joyner
District 3

Lilly Rooks
District 4

Matt Brooks
District 5

AGENDA PROPERTY ASSESSMENT CLEAN ENERGY (PACE) WORKSHOP

February 21, 2017
11:00 a.m.

Introduction: County Attorney

Presentations (10 minutes each):

- (1) Florida PACE Funding Agency (Alliance NRG)
- (2) Florida Green Finance Authority (Renew Financial)
- (3) Green Corridor PACE District (Ygrene Energy)
- (4) Florida Resiliency and Energy District (Renovate America)

Questions for providers/presenters

Public Comments

- Issues related to Agenda item
- Complete public comment form and submit to clerk
- State your full name and address
- Discussion must be limited to a maximum of three (3) minutes per person

Discussion/direction

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at this meeting, such agency or person will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the County Clerk's Office at (352) 486-5266, or the Office of the Board of County Commissioners at (352) 486-5217, at least two (2) days prior to the date of the meeting. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).

P.O. Box 310 Bronson Florida 32621
Telephone (352) 486-5218 Fax (352) 486-5167
e-mail: levybocc@levycounty.org Website: Levycounty.org

Levy County Board of County Commissioners
Agenda Item Summary

1. DEPARTMENT MAKING REQUEST/NAME/EXTENSION:

Anne Bast Brown, Ext. 3389

2. MEETING DATE:

February 21, 2017

3. REQUESTED MOTION/ACTION:

Conduct workshop for property assessment clean energy (PACE) providers to inform the Board on PACE programs. The agenda for the workshop is attached.

4. IS THIS ITEM BUDGETED (IF APPLICABLE)?: YES__ NO__ *IF NO, STATE ACTION REQUIRED NOT APPLICABLE*

BUDGET ACTION:

DETAILED ANALYSIS ATTACHED?: YES__ NO__ BUDGET OFFICER APPROVAL NOT APPLICABLE DATE _____

FUNDING SOURCE: ACCOUNT NUMBER:

5. BACKGROUND: (WHY IS THE ACTION NECESSARY, AND WHAT ACTION WILL BE ACCOMPLISHED)

Section 163.08, Fla. Stat., allows for the financing of qualifying improvements to real property by imposition of special assessments by a qualifying local government on the improved property. The qualifying improvements consist of a variety of projects that will enhance energy conservation and efficiency of the property, provide renewable energy sources to the property, or provide wind resistance to structure(s) on the property. The financing of the qualifying improvements is accomplished by the imposition of a special assessment on the improved property, which is done with the consent of the property owner. The entity which imposes the special assessment can be a county or city, or a separate legal entity created by the interlocal agreement of participating cities and counties. The workshop will include presentations by a variety of these separate legal entities, each seeking Levy County's participation in their respective entity and program.

6. RECOMMENDED APPROVAL AND DATE (YES & NO BLOCK INDICATE IF APPROVAL IS/IS NOT REQUIRED)

DEPARTMENT DIRECTOR YES__ NO__	OTHER YES__ NO__	OTHER YES__ NO__	OTHER YES__ NO__	INFO ONLY COUNTY ATTORNEY YES__ NO__	COUNTY COORDINATOR YES__ NO__
				AB/B 2/14/17	

7. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED DATE TO BRING BACK:
- OTHER SPECIFY:

Select Year:

The 2016 Florida Statutes

Title XI
 COUNTY ORGANIZATION AND
 INTERGOVERNMENTAL RELATIONS

Chapter 163
 INTERGOVERNMENTAL
 PROGRAMS

[View Entire Chapter](#)

163.08 Supplemental authority for improvements to real property.—

(1)(a) In chapter 2008-227, Laws of Florida, the Legislature amended the energy goal of the state comprehensive plan to provide, in part, that the state shall reduce its energy requirements through enhanced conservation and efficiency measures in all end-use sectors and reduce atmospheric carbon dioxide by promoting an increased use of renewable energy resources. That act also declared it the public policy of the state to play a leading role in developing and instituting energy management programs that promote energy conservation, energy security, and the reduction of greenhouse gases. In addition to establishing policies to promote the use of renewable energy, the Legislature provided for a schedule of increases in energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction. In chapter 2008-191, Laws of Florida, the Legislature adopted new energy conservation and greenhouse gas reduction comprehensive planning requirements for local governments. In the 2008 general election, the voters of this state approved a constitutional amendment authorizing the Legislature, by general law, to prohibit consideration of any change or improvement made for the purpose of improving a property’s resistance to wind damage or the installation of a renewable energy source device in the determination of the assessed value of residential real property.

(b) The Legislature finds that all energy-consuming-improved properties that are not using energy conservation strategies contribute to the burden affecting all improved property resulting from fossil fuel energy production. Improved property that has been retrofitted with energy-related qualifying improvements receives the special benefit of alleviating the property’s burden from energy consumption. All improved properties not protected from wind damage by wind resistance qualifying improvements contribute to the burden affecting all improved property resulting from potential wind damage. Improved property that has been retrofitted with wind resistance qualifying improvements receives the special benefit of reducing the property’s burden from potential wind damage. Further, the installation and operation of qualifying improvements not only benefit the affected properties for which the improvements are made, but also assist in fulfilling the goals of the state’s energy and hurricane mitigation policies. In order to make qualifying improvements more affordable and assist property owners who wish to undertake such improvements, the Legislature finds that there is a compelling state interest in enabling property owners to voluntarily finance such improvements with local government assistance.

(c) The Legislature determines that the actions authorized under this section, including, but not limited to, the financing of qualifying improvements through the execution of financing agreements and the related imposition of voluntary assessments are reasonable and necessary to serve and achieve a compelling state interest and are necessary for the prosperity and welfare of the state and its property owners and inhabitants.

(2) As used in this section, the term:

(a) "Local government" means a county, a municipality, a dependent special district as defined in s. 189.012, or a separate legal entity created pursuant to s. 163.01(7).

(b) "Qualifying improvement" includes any:

1. Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modifications to increase the use of daylight; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; and installation of efficient lighting equipment.

2. Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources: hydrogen, solar energy, geothermal energy, bioenergy, and wind energy.

3. Wind resistance improvement, which includes, but is not limited to:

- a. Improving the strength of the roof deck attachment;
- b. Creating a secondary water barrier to prevent water intrusion;
- c. Installing wind-resistant shingles;
- d. Installing gable-end bracing;
- e. Reinforcing roof-to-wall connections;
- f. Installing storm shutters; or
- g. Installing opening protections.

(3) A local government may levy non-ad valorem assessments to fund qualifying improvements.

(4) Subject to local government ordinance or resolution, a property owner may apply to the local government for funding to finance a qualifying improvement and enter into a financing agreement with the local government. Costs incurred by the local government for such purpose may be collected as a non-ad valorem assessment. A non-ad valorem assessment shall be collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), shall not be subject to discount for early payment. However, the notice and adoption requirements of s. 197.3632(4) do not apply if this section is used and complied with, and the intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by s. 197.3632(3)(a) may be provided on or before August 15 in conjunction with any non-ad valorem assessment authorized by this section, if the property appraiser, tax collector, and local government agree.

(5) Pursuant to this section or as otherwise provided by law or pursuant to a local government's home rule power, a local government may enter into a partnership with one or more local governments for the purpose of providing and financing qualifying improvements.

(6) A qualifying improvement program may be administered by a for-profit entity or a not-for-profit organization on behalf of and at the discretion of the local government.

(7) A local government may incur debt for the purpose of providing such improvements, payable from revenues received from the improved property, or any other available revenue source authorized by law.

(8) A local government may enter into a financing agreement only with the record owner of the affected property. Any financing agreement entered into pursuant to this section or a summary memorandum of such agreement shall be recorded in the public records of the county within which the property is located by the sponsoring unit of local government within 5 days after execution of the agreement. The recorded agreement shall provide constructive notice that the assessment to be levied

on the property constitutes a lien of equal dignity to county taxes and assessments from the date of recordation.

(9) Before entering into a financing agreement, the local government shall reasonably determine that all property taxes and any other assessments levied on the same bill as property taxes are paid and have not been delinquent for the preceding 3 years or the property owner's period of ownership, whichever is less; that there are no involuntary liens, including, but not limited to, construction liens on the property; that no notices of default or other evidence of property-based debt delinquency have been recorded during the preceding 3 years or the property owner's period of ownership, whichever is less; and that the property owner is current on all mortgage debt on the property.

(10) A qualifying improvement shall be affixed to a building or facility that is part of the property and shall constitute an improvement to the building or facility or a fixture attached to the building or facility. An agreement between a local government and a qualifying property owner may not cover wind-resistance improvements in buildings or facilities under new construction or construction for which a certificate of occupancy or similar evidence of substantial completion of new construction or improvement has not been issued.

(11) Any work requiring a license under any applicable law to make a qualifying improvement shall be performed by a contractor properly certified or registered pursuant to part I or part II of chapter 489.

(12)(a) Without the consent of the holders or loan servicers of any mortgage encumbering or otherwise secured by the property, the total amount of any non-ad valorem assessment for a property under this section may not exceed 20 percent of the just value of the property as determined by the county property appraiser.

(b) Notwithstanding paragraph (a), a non-ad valorem assessment for a qualifying improvement defined in subparagraph (2)(b)1. or subparagraph (2)(b)2. that is supported by an energy audit is not subject to the limits in this subsection if the audit demonstrates that the annual energy savings from the qualified improvement equals or exceeds the annual repayment amount of the non-ad valorem assessment.

(13) At least 30 days before entering into a financing agreement, the property owner shall provide to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the property a notice of the owner's intent to enter into a financing agreement together with the maximum principal amount to be financed and the maximum annual assessment necessary to repay that amount. A verified copy or other proof of such notice shall be provided to the local government. A provision in any agreement between a mortgagee or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a financing agreement as provided for in this section is not enforceable. This subsection does not limit the authority of the holder or loan servicer to increase the required monthly escrow by an amount necessary to annually pay the qualifying improvement assessment.

(14) At or before the time a purchaser executes a contract for the sale and purchase of any property for which a non-ad valorem assessment has been levied under this section and has an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement in the following form, which shall be set forth in the contract or in a separate writing:

QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY, OR WIND RESISTANCE.

—The property being purchased is located within the jurisdiction of a local government that has

placed an assessment on the property pursuant to s. 163.08, Florida Statutes. The assessment is for a qualifying improvement to the property relating to energy efficiency, renewable energy, or wind resistance, and is not based on the value of property. You are encouraged to contact the county property appraiser's office to learn more about this and other assessments that may be provided by law.

(15) A provision in any agreement between a local government and a public or private power or energy provider or other utility provider is not enforceable to limit or prohibit any local government from exercising its authority under this section.

(16) This section is additional and supplemental to county and municipal home rule authority and not in derogation of such authority or a limitation upon such authority.

History.—s. 1, ch. 2010-139; s. 1, ch. 2012-117; s. 64, ch. 2014-22.

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Levy County Board of County Commissioners

Agenda Item Summary

1. NAME/ORGANIZATION/TELEPHONE: <i>Devesh Nirmul</i> <i>Renew Financial 813-230-7704</i>	2. MEETING DATE: <i>2/21/2017</i>
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3. REQUESTED MOTION/ACTION:
Renew PACE Presentation

4. Agenda Presentation Time Requested: <u><i>10</i></u> <small>(Request will be granted if possible)</small> ALLOTTED TIME NOT MORE THAN 15 MINUTES	5. IS THIS ITEM BUDGETED (IF APPLICABLE)?: YES ___ NO <input checked="" type="checkbox"/> <small>IF NO, STATE ACTION REQUIRED</small> BUDGET ACTION: FINANCIAL IMPACT SUMMARY STATEMENT: DETAILED ANALYSIS ATTACHED?: YES ___ NO ___ BUDGET OFFICER APPROVAL ___ DATE
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6. BACKGROUND: (WHY IS THE ACTION NECESSARY, AND WHAT ACTION WILL BE ACCOMPLISHED)

*Board requested presentation from PACE providers
 This is Renew Financial's presentation : 14 copies for
 the Commission to reference while Devesh Nirmul
 makes a presentation*

ALL SUPPORTING DOCUMENTATION MUST BE ATTACHED

7. RECOMMENDED APPROVAL AND DATE (YES & NO BLOCK INDICATE IF APPROVAL IS/IS NOT REQUIRED)

DEPARTMENT DIRECTOR	OTHER	OTHER	OTHER	COUNTY ATTORNEY	COUNTY COORDINATOR
YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO

8. COMMISSION ACTION:

___ APPROVED
 ___ DENIED
 ___ DEFERRED DATE TO BRING BACK:
 ___ OTHER SPECIFY:

Levy County Board of County Commissioners

Agenda Item Summary

1. NAME/ORGANIZATION/TELEPHONE:

Mike Antheil, Renovate America, 561.703.4345

2. MEETING DATE:

02/21/17

3. REQUESTED MOTION/ACTION:

Present on PACE

4. Agenda Presentation

Time Requested: _____

(Request will be granted if possible)

ALLOTTED TIME NOT

MORE THAN 15 MINUTES

5. Is THIS ITEM BUDGETED (IF APPLICABLE)?: YES ___ NO ___ IF No, STATE ACTION REQUIRED

BUDGET ACTION:

FINANCIAL IMPACT SUMMARY STATEMENT:

DETAILED ANALYSIS ATTACHED?: YES ___ NO ___ BUDGET OFFICER APPROVAL _____ DATE

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, AND WHAT ACTION WILL BE ACCOMPLISHED)

ALL SUPPORTING DOCUMENTATION MUST BE ATTACHED

7. RECOMMENDED APPROVAL AND DATE (YES & NO BLOCK INDICATE IF APPROVAL IS/IS NOT REQUIRED)

DEPARTMENT DIRECTOR	OTHER	OTHER	OTHER	COUNTY ATTORNEY	COUNTY COORDINATOR
YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO	YES ___ NO

8. COMMISSION ACTION:

APPROVED

DENIED

DEFERRED DATE TO BRING BACK:

OTHER SPECIFY: