



COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. The first meeting of every month is at 9:30AM while the second meeting of every month takes place at 5:30PM. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: 5/12/2023 Meeting Date: 5/18/2023

Name: Joel Foreman Department: County Attorney

Approved By:

A handwritten signature in blue ink, appearing to be "J. Foreman", written over a light blue horizontal line.

1. Nature and purpose of agenda item:

Resolution 2023R-23 – A resolution in support of the Columbia County Tax Collector and Columbia County Property Appraiser with respect to Residential Private Assessment Clean Energy (R-PACE) loans

2. Recommended Motion/Action:

To adopt Resolution 2023R-23

3. Fiscal impact on current budget.

This item has no effect on the current budget.

MEMORANDUM

To: Board Agenda, May 18, 2023

From: Joel F. Foreman

Re: Resolution 2023R-23 – A resolution in support of the Columbia County Tax Collector and Columbia County Property Appraiser with respect to Residential Private Assessment Clean Energy (R-PACE) loans

Date: May 11, 2023

At its last meeting the Board was advised that the Florida PACE Funding Agency had approved and made multiple Residential Private Assessed Clean Energy (R-PACE) loans in Columbia County in opposition to the Board's prior decision to not permit R-PACE lending here.

The Board directed this office to object to those loans, and to prepare a resolution in support of the Tax Collector and Property Appraiser as those offices have made clear their intentions not to recognize these loans as valid assessments against property. The resulting dispute will involve Columbia County as well as counties across the state that either prohibited R-PACE lending or separately restricted R-PACE lending to a more limited program than the one Florida PACE Funding Agency is employing in their counties.

The resolution lays out recitals of the circumstances as they are currently understood, and expresses the Board's support of efforts to oppose unauthorized R-PACE lending here. There is also a directive to this office that I continue to take steps to implement the objectives of the resolution in opposing R-PACE lending and taking steps to assist adversely affected homeowners.

Recommended motion: To adopt Resolution 2023R-23

RESOLUTION NO. 2023R-23

**A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA,
IN SUPPORT OF THE COLUMBIA COUNTY TAX
COLLECTOR AND COLUMBIA COUNTY PROPERTY
APPRAISER WITH RESPECT TO RESIDENTIAL
PRIVATE ASSESSMENT CLEAN ENERGY LOANS**

WHEREAS, the **BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA**, having been apprised of the imminent financial risks such loans posed to homeowners, affirmatively rejected a request for authorization to originate or approve Residential Private Assessment Clean Energy (“R-PACE”) to residential property owners within the territorial jurisdiction of Columbia County, Florida;

WHEREAS, notwithstanding the Board’s unequivocal rejection of R-PACE lending, the Florida PACE Funding Agency (“FPFA”) began making R-PACE loans inside Columbia County in January of 2023, with FPFA recording notices of assessments or liens against at least seven residential properties inside Columbia County, Florida;

WHEREAS, in opposition to the Board’s legislative determination that R-PACE loans should not be permitted in this county, FPFA asserts that it is empowered to make loans inside Columbia County without approval of the Board by virtue of an order in a bond validation proceeding to which Columbia County was not a party;

WHEREAS, FPFA has asserted in correspondence to the Tax Collector and Property Appraiser that collection of these R-PACE loans by those constitutional officers is required of them, and has given notice in claims of lien and notices of assessment that those offices will collect these R-PACE loans via assessment;

WHEREAS, the Columbia County Tax Collector, and tax collectors across the state, dispute the authority of FPFA to create any such assessment without the approval of the local county or municipal legislative body, and absent such authority do not intend to collect any assessment claimed by FPFA pursuant to any R-PACE loan made without such approval;

WHEREAS, the Columbia County Property Appraiser, and property appraisers across the state, dispute the authority of FPFA to create any such assessment without the approval of the local county or municipal legislative body, and absent such authority do not intend to include on

TRIM notices any assessment claimed by FPFA pursuant to an R-PACE loan made without such approval;

WHEREAS, the Board has directed the County Attorney to make known the Board's objections to the R-PACE loans made in this county, and a letter was transmitted on or about May 5, 2023; and

WHEREAS, to avoid any doubt about the position of the Board of County Commissioners for Columbia County, the Board wishes to adopt this resolution in support of the Columbia County Tax Collector and Columbia County Property Appraiser in their efforts to resist this attempt to assess against residential properties in Columbia County, Florida.

NOW, THEREFORE, BE IT RESOLVED by the **BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA**, that the Columbia County Tax Collector and Columbia County Property Appraiser shall have the full support of the Board of County Commissioners in all efforts to stop R-PACE lending in Columbia County, Florida; to prevent assessment of any R-PACE loan against any residential property situated inside the territorial jurisdiction of Columbia County, Florida; and to obtain relief for those homeowners who may find themselves adversely affected by any unauthorized R-PACE loans made by FPFA in Columbia County, Florida.

BE IT FURTHER RESOLVED that the County Attorney is authorized to continue to undertake such action as is necessary in his judgment to prosecute the objectives of this resolution unless and until otherwise ordered by the Board.

PASSED AND ADOPTED in its regular session on the 18th day of May, 2023.

**BOARD OF COUNTY COMMISSIONERS OF
COLUMBIA COUNTY, FLORIDA**

By: _____
Rocky Ford, Chairman

ATTEST:

James M. Swisher, Jr.
Clerk of Court