

ORDINANCE NO. 130764

Authorizing the City of Kansas City, Missouri to join the Missouri Clean Energy District; stating the terms under which the City will conduct activities within the City as a member of the Missouri Clean Energy District; requesting appointment to the District's Advisory Board; disclaiming any need for appropriation; and directing the City Clerk to send a certified copy of this Ordinance to the Board of Directors of the District.

WHEREAS, the 95th General Assembly of Missouri has enacted Sections §67.2800 to §67.2835, inclusive, of the Missouri Revised Statutes (2000), as amended,, entitled the "Property Assessment Clean Energy Act" (the "Act"); and

WHEREAS, the development, production, and efficient use of clean energy and renewable energy, as well as the installation of energy efficiency improvements to publicly and privately owned real property, will create jobs for residents of the City of Kansas City, Missouri (the "City"), advance the economic well-being and public and environmental health of the City, and contribute to the energy independence of our nation; and

WHEREAS, the primary intent of funding energy efficiency and renewable energy improvements pursuant to the Act is to promote the public purposes described above; and

WHEREAS, Section §67.2810.1 authorizes one or more municipalities (as defined in Section §67.2800.2(7)) to establish a clean energy development board to initiate and administer a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access funding for energy efficiency improvements to their properties located in such municipalities; and

WHEREAS, on January 3, 2011, a clean energy development board now named the Missouri Clean Energy District (the "District") was created with the intention that all municipalities within the State of Missouri would be eligible to join and participate by approving an appropriate ordinance or resolution; and

WHEREAS, it is in the best interests of the City and for the benefit of its residents to join and participate in the District; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The City hereby approves and authorizes joining and participation in the Missouri Clean Energy District.

Section 2. The City declares its intent that the provisions of this Ordinance shall be in conformity with federal, state and local laws. The City enacts this Ordinance pursuant to Sections 67.2800 to 67.2835 of the Missouri Revised Statutes (2000), as amended.

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A. Title and Definitions.

1. Title. This Ordinance shall be known and may be cited as “The Property Assessed Clean Energy Ordinance for the Missouri Clean Energy District”
2. Definitions. Except as specifically defined below, word and phrases used in this Ordinance shall have their customary meanings. Words and phrases defined in Section 67.2800.2 of the Missouri Revised Statutes (2000), as amended, shall have their defined meanings when used in this Ordinance. As used in this Ordinance, the following words and phrases shall have the meanings indicated.
 - a. “Missouri Clean Energy District” or “District” means the Missouri Clean Energy District.
 - b. “PACE Assessment” means a special assessment made against Qualifying Property in consideration of PACE Funding.
 - c. “PACE Funding” means funds provided to the owner(s) of qualified property by the District for an energy efficiency improvement.
 - d. “Qualifying Property” means real property located in The City of Kansas City, Missouri.

B. Program Administration. The District shall administer the functions of the PACE program within the City by:

1. providing property owners with an application in order to apply for PACE Funding;
2. developing standards for the approval of projects submitted by property owners;
3. reviewing applications and selecting qualified projects;
4. entering into Assessment Contracts with property owners;
5. providing a copy of each executed Notice of Assessment to the County Assessor and causing a copy of each such Notice of Assessment to be recorded in the real estate records of the Recorder of Deeds for the County;
6. authorizing and disbursing the PACE Funding to the property owners;
7. receiving the PACE Assessment from the County Collector; and

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8. recording any lien, if needed, due to nonpayment of a PACE Assessment.
- C. Liability of City Officials; Liability of City. Notwithstanding any other provision of law to the contrary, officers and other officials of the City, the District and the Counties in which the City is located, including, without limitation, tax assessors and tax collectors, shall not be personally liable to any person for claims, of whatever kind or nature, under or related to the City's PACE program, including, without limitation, claims for or related to uncollected PACE Assessments. The City has no liability to a property owner for or related to energy savings improvements funded under a PACE program. The District shall for all purposes be considered an independent entity and shall not be considered a subdivision of the City.
- D. Existing Laws Not Superseded. Any project or improvement, however denominated, at any Qualifying Property which is funded in whole or in part by PACE Funding shall be subject to all ordinances, rules and regulations in effect at that time.
- E. City as a Non-Party. The City shall not be a party to any PACE Funding agreement, loan, or other commitment, however denominated, executed between the District and the owner(s) (or their representatives, together with any successors and assigns) of any Qualifying Property.

Section 3. The City does hereby request that it be approved by the Board of Directors of the District as a duly authorized member of the Advisory Board of the District.

Section 4. The City's election to join the District shall in no way constitute an obligation of the City necessitating any corresponding appropriation.

Section 5. The City Clerk is hereby authorized to deliver a duly executed certified copy of this Ordinance to the Board of Directors of the District, or its designee, together with a description of the jurisdictional and geographic boundaries of the City, all to support addition to the District.

Approved as to form and legality:

Matthew Gigliotti
Assistant City Attorney