

ORDINANCE NO. 140548

Establishing the City of Kansas City, Missouri's Green Community Program; describing the projects and programs authorized to be funded by the Program; and requiring City Council approval for all projects and programs funded by the Program.

WHEREAS, Section 301(a) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 added Section 54D (as amended by Section 1112 of the American Recovery and Reinvestment Act of 2009, "Section 54D") to the Internal Revenue Code of 1986, as amended (as amended, the "Code"), to authorize states and political subdivisions to issue qualified energy conservation bonds ("QECBs") for one or more Qualified Conservation Purposes (as defined in Section 54D); and

WHEREAS, among such Qualified Conservation Purposes are "capital expenditures incurred for purposes of ... implementing green community programs (including the use of loans, grants, or other repayment mechanisms to implement such programs)" (as used herein, "Green Community Programs"); and

WHEREAS, the City desires to establish a Green Community Program to be financed in part with the proceeds of QECBs to be issued by the Missouri Clean Energy District (the "District"); and

WHEREAS, the aim of the Green Community Program is the reduction of fossil fuel consumption in the City so as to: (a) reduce the climate effects of greenhouse gas production; (b) reduce energy costs of the City and City residents; (c) increase the City's energy independence; and (d) provide an example for others to follow; and

WHEREAS, this Ordinance is being adopted to provide an initial description of the Green Community Program and to set forth certain projects to be included therein; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. Establishment of the Kansas City, Missouri, Green Community Program. The City hereby establishes the Kansas City, Missouri, Green Community Program (the "Program") as a Green Community Program within the meaning of Section 54D. The Program shall operate exclusively within Kansas City, Missouri, which is hereby designated as the "Kansas City, Missouri Green Community". The Program shall include, but not be limited to, the projects and programs listed below:

- (a) Energy Efficiency and Renewable Energy Projects
 - (i) Improvements to building envelopes of buildings and facilities within the City to reduce heat loss and gain by installing better insulation, replacing inefficient windows and installing reflective roofing.

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- (ii) Improvements to buildings within the City and related facility mechanical systems achieved by replacing air handlers, chillers, boilers and accessory systems with high efficiency designs and equipment.
- (iii) Electrical system improvements to buildings and facilities within the City through the use of more efficient lighting and lighting controls.
- (iv) Installation of biomass heating systems in buildings and facilities within the City.
- (v) Installation of solar electrical and solar heating systems in buildings and facilities within the City.

(b) Land Use Programs

- (i) Conversion of agriculturally marginal open space lands from active farming to native grasses to increase carbon sequestration, reduce greenhouse gas emissions and reduce energy required for management.
- (ii) Support of bio-fuel technologies including, without limitation, planting of sunflower seed crops to be used in bio-fuel production.
- (iii) Support of biomass energy production programs and projects, including, without limitation, promotion of forestry practices that provide chipped wood as required for biomass boiler heating systems.

(c) Funding for Energy Efficiency and Renewable Energy Improvements to Privately Owned Properties

- (i) Financing of loans and grants to owners of residential, commercial and other properties located in the City for energy efficiency and renewable energy improvements to such properties.

(d) Additional Projects and Programs. Any other project or program not included in the foregoing which is now or hereafter permitted to be financed with proceeds of QECBs.

(e) Approvals Required. All projects and programs proposed to be financed with proceeds of QECBs pursuant to this Ordinance must be approved by the City Council and by the District prior to the use or disbursement of bond proceeds on such project or program.

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Section 2. Future Additions to Program. The projects and programs listed in Section 1 hereof are not intended to represent an exhaustive description of the potential projects and programs to be included in the Program. The City Council intends and expects that additional projects and programs may be added to the Program by future Ordinances as such projects and programs are developed.

Approved as to form and legality:

Sarah Baxter
Assistant City Attorney