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First Reading 4-17-17

Second Reading 5-1-17

Third Reading 6-19-17

Ordinance No. 023202

Council Bill No. B 125-17 A

AN ORDINANCE

adopting a Missouri Property Assessed Clean Energy Show Me PACE Ordinance; authorizing the City of Columbia, Missouri to join Show Me PACE, pursuant to the "Property Assessment Clean Energy Act," and stating the terms under which the City of Columbia will conduct activities as a member of such District; authorizing the City Manager to execute the Show Me PACE Cooperative Agreement; establishing Consumer Protection Policies for PACE Programs within the City; directing the City Clerk to give notice to the Show Me PACE Clean Energy Development Board; authorizing the City Manager, or designee, to serve as a member of the Advisory Council for Show Me PACE; and fixing the time when this ordinance shall become effective.

WHEREAS, the 95th General Assembly of the State of Missouri has adopted the Property Assessment Clean Energy Act contained in Sections 67.2800 to 67.2835, RSMo. (the " Act"); and

WHEREAS, it is in the best interests of the health, safety, and welfare of the City of Columbia and its residents to encourage 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; and

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

WHEREAS, Section 67.2810.1 RSMo. authorizes one or more Municipalities (as defined in Section 67.2800 RSMo.) 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 or renewable energy improvements to qualifying properties located in such Municipalities; and

WHEREAS, on June 15, 2015, a Clean Energy Development Board named Show Me PACE was created with the intention that all Municipalities within the State of Missouri would be eligible to join and participate by approving appropriate legislation; and

WHEREAS, the City desires to establish consumer protection policies to protect the integrity of the PACE Program for property owners and City; and

WHEREAS, it is in the best interests of the City and its residents to join and participate in Show Me PACE.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council of the City of Columbia, Missouri hereby approves and authorizes joining and participating in Show Me PACE as set forth herein:

- A. Title. This Ordinance shall be known and may be cited as "City of Columbia, Missouri Property Assessed Clean Energy Show Me PACE Ordinance."
- B. Definitions. Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings. Words and phrases defined in Section 67.2800.2 RSMo., 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.

"Show Me PACE" or "District" or "Board" means the Show Me PACE Clean Energy Development Board.

"Consumer Protection Policies" means any policy designed to protect homeowners as adopted by the City from time to time. The current policy is attached as Exhibit B.

"PACE Assessment" means a special assessment made against qualifying property in consideration of PACE Funding.

"PACE Funding" means funds provided to the owner(s) of Qualifying Property by the District for an energy efficiency or renewable energy improvement.

"Qualifying Property" means real property located in the City of Columbia, Missouri that satisfies the criteria set forth in the Act.

- C. Program Administration. Show Me PACE shall administer the functions of a PACE program within the City:
 - 1. Providing property owners with an application to apply for PACE Funding;
 - 2. Developing standards for the approval of projects submitted by Qualifying Property owners;

3. Reviewing applications and selecting qualified projects;
 4. Entering into PACE Assessment Contracts with Qualifying Property owners;
 5. Providing a copy of each executed Notice of Assessment to the Boone County Assessor and Boone County Collector and causing a copy of each such Notice of Assessment to be recorded in the real estate records of the Boone County Recorder of Deeds;
 6. Authorizing and disbursing PACE Funding to the Qualifying Property owners;
 7. Receiving any PACE Assessment that may be collected by the Boone County Collector;
 8. Recording any lien, if needed, for a PACE Assessment; and
 9. Exercising all powers granted by Sections 67.2800 to 67.2835 RSMo., as amended, including, but not limited to, the power to levy and collect the PACE Assessment pursuant to an Assessment Contract with a Qualifying Property owner.
- D. Liability of City of Columbia, Missouri Officials; Liability of City of Columbia, Missouri. Notwithstanding any other provision of law to the contrary, officers and other officials of the City of Columbia, Missouri shall not be personally liable to any person for claims, of whatever kind or nature, under or related to the City of Columbia's participation in the PACE program, including, without limitation, claims for or related to uncollected PACE Assessments. The City of Columbia, Missouri has no liability to a property owner for or related to energy savings improvements funded under a PACE Program. Pursuant to the Act, the District is a separate political subdivision and is not a unit of the City of Columbia, Missouri.
- E. Existing Laws Not Superseded. Any project or improvement at any Qualifying Property which is funded in whole or in part of PACE Funding shall be subject to all ordinances, rules and regulations in effect at that time.
- F. The City of Columbia, Missouri as a Non-Party. The City of Columbia, Missouri 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 2. The City Council declares its intent that the provisions of this Ordinance shall be in conformity with federal and state laws. The City Council enacts this

Ordinance pursuant to Sections 67.2800 to 67.2835 RSMo., as amended. In the event of any conflict, the provisions of federal and state law shall control.

SECTION 3. The City Council does hereby request that it be approved by the Board of Directors of Show Me PACE as a duly authorized participant in the District. The City Council hereby approves the Show Me PACE Cooperative Agreement among the District and the participating Municipalities in substantially the form attached hereto as "Exhibit A" (the "Cooperative Agreement") and hereby authorizes and directs the City Manager to execute and deliver the Cooperative Agreement on behalf of the City.

SECTION 4. To protect the rights of property owners within the City who participate in the PACE Program and to ensure the integrity of the PACE Program, the City hereby requires the District to adhere to the Consumer Protection Policies attached hereto as Exhibit B. The District may review the Consumer Protection Policies periodically to ensure it is updated to the latest national standards and may make recommendations to the City to amend the policy from time to time. The District shall be required to periodically audit and review compliance of its PACE Program with the policy and report its findings and recommendations to its Board of Directors. In addition, said report, findings and recommendations shall be open for inspection and review by the city upon request.

SECTION 5. The election of the City of Columbia, Missouri to join the District shall in no way constitute an obligation of the City of Columbia necessitating any corresponding appropriation.

SECTION 6. The City Clerk is hereby authorized to deliver a duly executed copy of this Ordinance to the Board of Directors of the District or its designee, together with the jurisdictional and geographic boundaries of the City of Columbia, Missouri for inclusion in the jurisdictional and geographic boundaries of the District.


SECTION 7. The City Manager, or designee, shall serve as the City's representative as a member of the Advisory Council of the District. The Advisory Council member shall also serve as the Elector to represent the City at annual meetings of the District. The City Clerk is hereby authorized and directed to notify the District of any person so designated by the City Manager.

SECTION 8. The officials and agents of the City of Columbia, Missouri are hereby authorized and directed to take such actions and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

SECTION 9. This ordinance shall be in full force and effect from and after its passage.

PASSED this 19th day of June, 2017.

ATTEST:

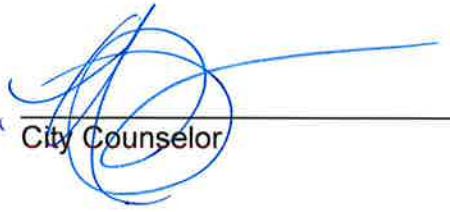


City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor