

Introduced by Treece

First Reading 4-17-17

Second Reading 5-1-17

Third Reading 6-19-17

Ordinance No. 023203

Council Bill No. B 126-17 A

AN ORDINANCE

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

WHEREAS, the 95th General Assembly of Missouri enacted Sections 67.2800 to 67.2835 RSMo., 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 Columbia, Missouri, 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 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 participate in 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 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 in the District 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 for the benefit of its residents to join and participate in the District.

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 participation by the City in the Missouri Clean Energy District as set forth herein:

A. Title. This Ordinance shall be known and may be cited as “City of Columbia, Missouri Property Assessed Clean Energy Missouri Clean Energy District Ordinance.”

B. 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 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.

“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 A.

“Missouri Clean Energy District” or “District” means the Missouri Clean Energy District.

“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 qualified property by the District for an energy efficiency improvement.

“Qualifying Property” means real property located in the City of Columbia, Missouri.

C. Program Administration. The Missouri Clean Energy District shall administer the functions of a PACE Program within the City by:

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 the PACE Funding to a Qualified Property owner;
 7. Receiving any PACE Assessment that may be collected by the Boone County Collector;
 8. Recording the lien, if needed, for the 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 separately levy and collect special assessments under an Assessment Contract with a Qualifying Property owner.
- D. Liability of City Officials; Liability of City. Notwithstanding any other provision of law to the contrary, officers and other officials of the City shall not be personally liable to any person for claims, of whatever kind or nature, under or related to the City's participation in the District'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 political subdivision 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 Clerk is hereby authorized and directed 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 for inclusion in the jurisdictional and geographic boundaries of the District.

SECTION 3. 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 4. 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 5. 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 6. 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 A. 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 7. 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 8. This ordinance shall be in full force and effect from and after its passage.

PASSED this 19th day of June, 2017.

ATTEST:

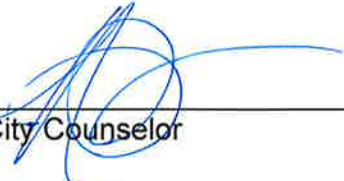


City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor