

AN ORDINANCE ENABLING THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI, TO JOIN THE MISSOURI CLEAN ENERGY DISTRICT PURSUANT TO STATE STATUTE, AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES AS A MEMBER OF SAID DISTRICT.

WHEREAS, the 95th General Assembly of Missouri enacted Sections 67.2800 to 67.2835 RSMo., known as 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 Gladstone, 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 purpose described herein; and

WHEREAS, Section 67.2810.1 RSMo. authorizes one or more Municipalities (as defined in Section 67.2800.7 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 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 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 interest of the City and for the benefit of its residents and businesses to join and participate in the District.

NOW, THEREFOR, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI AS FOLLOWS:

SECTION 1: That the City Council of the City of Gladstone, Missouri hereby approves and authorizes joining and participating in the Missouri Clean Energy District as set forth herein:

A. TITLE.

This Ordinance shall be known and may be cited as the “City of Gladstone, Missouri Property Assessed Clean Energy Missouri Clean Energy District 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 meaning indicated.

- *Consumer Protection Policies* means any policy designed to protect homeowners as adopted by the District 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 as 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 any real property located within the City of Gladstone, Missouri.

C. PROGRAM ADMINISTRATION

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

1. Providing Qualifying Property owners with an application in order to apply for PACE funding;
2. Developing standards for the approval of projects submitted by Qualifying Property owners;
3. Reviewing applications and select qualified projects;
4. Entering into PACE Assessment contracts with Qualifying Property owners;
5. Providing a copy of each executed notice of assessment to the Clay County Assessor and Clay County Collector and causing a copy of each such notice of assessment to be recorded in the real estate records of the Clay County Recorder of Deeds;
6. Authorizing and disbursing the PACE Funds to the Qualified Property owners;
7. Receiving any PACE Assessment that may be collected by the Clay County Collector;
8. Recording the lien, if needed, for the PACE Assessment; and
9. Exercising all powers granted by Section 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 OFFICIAL; LIABILITY OF CITY OF GLADSTONE, MISSOURI.

Notwithstanding any other provisions of law to the contrary, officers and other officials of the City of Gladstone, Missouri, shall not be personally liable to any person for claims, of whatever kind or nature, under or related to the City of Gladstone's participation in the District's PACE Program, including, without limitation, claims for or related to uncollected PACE Assessments. The City of Gladstone 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 Gladstone, Missouri.

E. EXISTING LAWS NOT SUSPENDED.

Any project or improvement at any Qualifying Property which is funded in whole or part of PACE Funding shall be subject to all ordinances, rules, and regulations in effect at that time.

F. THE CITY OF GLADSTONE, MISSOURI AS NON-PARTY.

The City of Gladstone, Missouri shall not be 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 of Gladstone, Missouri for inclusion in the jurisdictional and geographical 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.

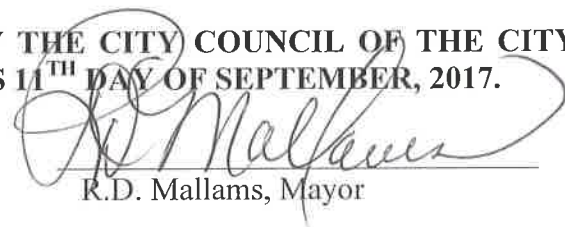
SECTION 4: The City Council declares its intent that the provisions of this Ordinance shall be in conformity with federal and state laws. The City Council enacts this Ordinance pursuant to Sections 67.2800 to 67.2835 RSMo, as amended. In the event of any conflict, the provisions of federal and state law shall control.

SECTION 5: The officials and agents of the City of Gladstone, 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 update to the latest national standards and may make recommendations to the City to amend the policy form time to time. The District shall be required 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 Gladstone, Missouri to join the District shall no way constitute an obligation of the City of Gladstone necessitating any corresponding appropriation.

PASSED, SIGNED AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, CLAY COUNTY, MISSOURI THIS 11TH DAY OF SEPTEMBER, 2017.



R.D. Mallams, Mayor

ATTEST:



Ruth Bocchino, City Clerk

1st Reading: September 11, 2017

2nd Reading: September 11, 2017



***Department of Community Development
Memorandum***

DATE: July 31, 2017
TO: Scott C. Wingerson, City Manager
FROM: Alan D. Napoli, Building Official
RE: Adoption of Property Assessed Clean Energy (PACE)

At the August 28, 2017 City Council meeting during the open study session the City Council heard information about the PACE program and its positive impact on the community. Attached are two (2) Bills adopting the two (2) PACE Districts, Missouri Clean Energy District and Show Me PACE Energy District. Both these districts impact the City of Gladstone as stated in my memo dated July 20, 2017. I would like these to be presented to the City Council for their consideration at the September 11, 2017 City Council Meeting.