

BILL NO. 2010-102

SPONSORED BY COUNCILWOMAN CARROLL

ORDINANCE NO. 14760

AN ORDINANCE ESTABLISHING ARTICLE XVIII (CLEAN ENERGY DEVELOPMENT BOARD) AND AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF JEFFERSON BY PROVIDING FOR PROPERTY ASSESSED CLEAN ENERGY FUNDING FOR SPECIFIED PURPOSES.

**WHEREAS,** the 95<sup>th</sup> General Assembly of Missouri has enacted Sections 67.2800 to 67.2835, inclusive, 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, advance the economic well-being and public and environmental health of the City of Jefferson, 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,** that Act authorizes a municipality that has adopted a Property Assessed Clean Energy Ordinance 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 the municipality; and

**WHEREAS,** the City of Jefferson wishes to establish a Clean Energy Development Board to initiate and administer a PACE Program.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF JEFFERSON, MISSOURI, AS FOLLOWS:**

Section 1. The City Code, Chapter 7, Boards and Commissions, is hereby amended by adding one new Article, to read as follows:

## Article XVIII - Clean Energy Development Board

### Sec 7-630 PURPOSE AND ENABLING LEGISLATION

- A. Established. By and through this Ordinance, the City of Jefferson City, Missouri (the “City”) declares as its public purpose the establishment of a Clean Energy Development Board to enable its citizens to participate in a Property Assessed Clean Energy Program so that property owners can access funding for energy saving improvements to their properties located in the City.
- B. Additionally, the City desires to provide for the expansion of the jurisdictional and geographic boundaries of the Clean Energy Development Board pursuant to Sec. 7.632(C) below.
- C. Purpose. The City declares its purpose and the provisions of this Ordinance to be in conformity with federal and state laws.
- D. Enabling Legislation. The City enacts this Ordinance pursuant to state law. Specific enabling legislation is found in Chapter 67, Sections 2800 to 2835, and RSMo. – “Property Assessment Clean Energy Act.”

### Sec. 7-631 TITLE AND DEFINITIONS

- A. Title. This Ordinance shall be known and may be cited as “Mid-Missouri Property Assessed Clean Energy (PACE) Ordinance.”
- B. Definitions. Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings. As used in this Ordinance, the following words and phrases shall have the meanings indicated.

Energy Efficiency Improvement means any acquisition, installation, or modification on or of publicly or privately owned property designed to reduce the energy consumption of such property, including, but not limited to:

1. Insulation in walls, roofs, attics, floors, foundations, and heating and cooling distribution systems;
2. Storm windows and doors, multi-glazed windows and doors, heat-absorbing or heat-reflective windows and doors, and other window and door improvements designed to reduce energy consumption;
3. Automatic energy control systems;
4. Heating, ventilating, or air conditioning distribution system modifications and replacements;
5. Caulking and weather-stripping;
6. Replacement or modification of lighting fixtures to increase energy efficiency of the lighting system without increasing the overall illumination of the building unless the increase in illumination is necessary to conform to applicable state or local building codes;
7. Energy recovery systems; and

**8. Daylighting systems.**

**Assessment Contract.** “**Assessment Contract**” means a contract entered into between a **Clean Energy Development Board** and a property owner under which the property owner agrees to pay an annual special assessment for a period of up to twenty years in consideration for funding of an energy efficiency improvement or a renewable energy improvement by such **Clean Energy Development Board**.

**PACE Assessment.** “**PACE Assessment**” means a special assessment made against qualifying property in consideration of **PACE Funding**.

**Clean Energy Development Board.** “**Clean Energy Development Board**” means the **Mid-Missouri Clean Energy Development Board** created under this Ordinance to administer the **PACE Program**.

**PACE District.** “**PACE District**” means the district in which the **PACE Program** may operate and which is defined geographically to include the entire City as determined by municipal boundary lines, and as may be expanded in accordance with **Sec. 7.632(C)** below.

**PACE Funding.** “**PACE Funding**” means funds provided to the owner(s) of qualified property by a **Clean Energy Development Board** for an energy efficiency improvement.

**PACE Program.** “**PACE Program**” means a program established under Sections 67.2800 to 67.2835, inclusive, RSMo. (the “**PACE Act**”) by a municipality or multiple municipalities under which property owners can obtain funding for energy efficiency improvements on qualifying property.

**Qualifying Property.** “**Qualifying Property**” means real property located in the City of Jefferson City or such other jurisdictional areas of the **Clean Energy Development Board** as may be approved pursuant to **Sec. 7.632(C)** below.

**Renewable Energy Improvement.** “**Renewable Energy Improvement**” means any acquisition and installation of a fixture, product, system, device, or combination thereof on publicly or privately owned property that produces energy from renewable resources, including, but not limited to, photovoltaic systems, solar thermal systems, wind systems, biomass systems, or geothermal systems.

**Sec. 7-632 PACE PROGRAM**

**A.** **Establishment; Funding.** The City hereby establishes the **Mid-Missouri Clean Energy Development Board** to initiate and administer the **PACE Program** allowing property owners in the City (and in other areas pursuant to **Sec. 7.632(C)** below) who so choose to access funding for energy efficiency improvements to their property through **PACE Funds** disbursed and administered by the **Mid-Missouri Clean Energy Development Board**. The **PACE Funds** are available from the **Clean Energy Development Board** through financing sources and structures approved and authorized by the **Mid-Missouri Clean Energy Development Board**. In connection with the **PACE Funds**, the **Mid-Missouri Clean Energy Development Board** will enter into an **Assessment Contract** with the property owner. The **Mid-Missouri Clean Energy Development Board** shall be entitled to, and shall avail itself of, recoupment of administrative or other costs incurred by the **Mid-Missouri Clean Energy Development Board** in conjunction with its **PACE Program** to the fullest extent permissible by governing law.

**B.** **PACE District.** The City hereby establishes a **PACE District** in which the **PACE Program** may

operate and which is initially defined geographically as being the entire corporate boundaries of the City as they exist on the date of this ordinance and as they may be amended from time to time.

C. Additions to the District. To promote and facilitate energy efficiency and renewable energy, the City and the Board shall make available to other "Municipalities," as defined in the PACE Act, memberships and participation in the Mid-Missouri Clean Energy Development Board upon the adoption of an ordinance, in a form approved by the Board, electing to join the pace district and adopting the terms of this Article to the extent that such terms are applicable. Upon delivery of a duly authenticated ordinance to the Board or its designee, the jurisdictional and geographic boundaries of the PACE District, such municipality shall become a member of the district and the boundaries of the district shall thereafter include the corporate limits of such municipality.

**Sec. 7-633 Mid-Missouri Clean Energy Development Board.**

A. Board Created. The Mid-Missouri Clean Energy Development Board, which shall consist at all times of at least five (5) members and which shall be a political subdivision of the state of Missouri. Members of the Board are not required to be residents of Jefferson City, Missouri. The Mid-Missouri Clean Energy Development Board shall administer the PACE Program in accordance with this Ordinance and the PACE Act. The initial Mid-Missouri Clean Energy Development Board shall be appointed by the Mayor, with the advice and consent of the Council, with each member being appointed for a term of three years and such terms shall be effective upon ratification by the City Council.

B. Replacement of Members. Upon the death, resignation, or expiration of term of any member of the Mid-Missouri Clean Energy Development Board, a replacement shall be selected by a selection committee created as provided in this paragraph. The selection committee shall consist of one person chosen by each political subdivision which has opted into this ordinance (as provided herein). Each participating entity will have one vote on the selection committee. The selection committee will be convened and the representatives chosen by the participating entities on an as needed basis, and each representative's term of service shall be determined by the appointing entity. The selection committee may be convened at any time upon the request of at majority of participating entities. A majority of representatives of the participating entities shall be considered to constitute a quorum.

**Sec. 7-634 Program Administration.**

The Mid-Missouri Clean Energy Development Board shall initiate and administer the functions of the PACE Program. The Mid-Missouri Clean Energy Development Board shall:

A. provide property owners with an application in order to apply for PACE Funds;

B. develop standards for the approval of projects submitted by property owners;

C. review applications and select qualified projects;

D. enter into Assessment Contracts with property owners;

E. provide a copy of each executed Assessment Contract to the County Assessor and County Collector and cause a copy of each such Assessment Contract to be recorded in the real estate records of the Recorder of Deeds;

F. authorize and disburse the PACE Funds to the property owners;

G. receive the PACE Assessments from the County Collector; and

H. record any lien, if needed, due to nonpayment of a PACE Assessment.

Sec. 7-635 Adoption of Education and Outreach Program.

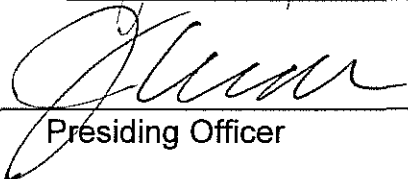
In conjunction with adopting this Ordinance, the Mid-Missouri Clean Energy Development Board may adopt and implement an education and outreach program so that citizens within the PACE District, as may be expanded, are made aware of energy saving opportunities, including the opportunity to fund energy efficiency improvements from PACE Funds.

Sec. 7-636 Liability of Municipal Officials; Liability of Municipality.

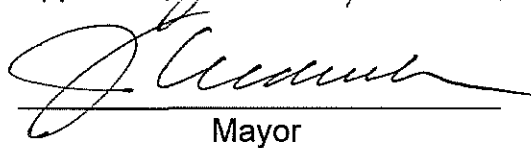
Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Mid-Missouri Clean Energy Development Board or to any other person for claims, of whatever kind or nature, under or related to a 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 Pace District and the Board shall for all purposes be considered an independent entity and shall not be considered a subdivision of the City of Jefferson or of any future member of the district.

Section 2. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

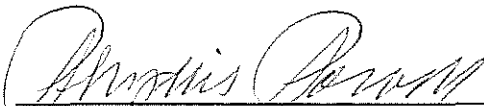
Passed: Jan. 3, 2011

  
\_\_\_\_\_  
Presiding Officer

Approved: Jan 6, 2011

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
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City Counselor