

ORDINANCE

BILL NO. 3046

ORDINANCE NO. 2860

**AN ORDINANCE TO ENABLE THE CITY OF CHESTERFIELD, MISSOURI TO JOIN SHOW ME PACE, PURSUANT TO SECTIONS §67.2800 TO §67.2835, RSMO, THE "PROPERTY ASSESSED CLEAN ENERGY ACT," AND STATING THE TERMS UNDER WHICH THE CITY WILL CONDUCT ACTIVITIES AS A MEMBER OF SUCH DISTRICT.**

**WHEREAS**, the 95<sup>th</sup> General Assembly of the State of Missouri has adopted the Property Assessment Clean Energy Act, Sections 67.2800 to 67.2835, Revised Statutes of Missouri (the "PACE Act"); and

**WHEREAS**, it is in the best interests of the health, safety, and welfare of the City of Chesterfield, Missouri 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 PACE Act is to promote the public purposes described above; and

**WHEREAS**, Section §67.2810.1, RSMo has authorized one or more Municipalities (as defined in Section §67.2800.7, RSMo) to establish a Clean Energy Development District, administered by 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 the properties located in such Municipalities; and

**WHEREAS**, on June 15, 2015, a Clean Energy Development District 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 an appropriate ordinance or resolution; and

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

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

**SECTION 1:** The City hereby approves and authorizes joining and participating in Show Me PACE based on the following:

A. Title and Definitions.

1. *Title.* This Ordinance shall be known and may be cited as “The City of Chesterfield, Missouri Show Me Property Assessed Clean Energy Ordinance.”
2. *Definitions.* Except as specifically provided below, words and phrases used in this Ordinance shall have their customary meanings. Words and phrases defined in Section 67.2800.2 of the Missouri Revised Statutes, as amended, shall have those defined meanings when used in this Ordinance. As used in this Ordinance, the following words and phrases shall have the meanings indicated.
  - a. “Show Me PACE” or “District” means the Show Me PACE District.
  - b. “PACE Assessment” means a special assessment made against qualifying property in consideration of PACE Funding.
  - c. “PACE Funding” means funds provided to the owner(s) of Qualifying Property by the District for an energy efficiency or renewable energy improvement.
  - d. “Qualifying Property” means real property located in the City of Chesterfield, Missouri that satisfies the criteria set forth in the PACE Act.

B. Program Administration. Show Me PACE 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 Assessment Contracts with Qualifying Property owners;
5. providing a copy of each executed Notice of Assessment to the County Assessor and causing a copy of each such Notice of Assessment to be recorded in the real estate records of the Recorder of Deeds for the County;

6. authorizing and disbursing PACE Funding to the Qualifying Property owners;
  7. receiving the PACE Assessment from the County Collector;
  8. recording any lien, if needed, due to nonpayment of a PACE Assessment; and
  9. exercising all powers granted by Section 67.2810.2 of the Missouri Revised Statutes, 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.
- C. Liability of City Officials; Liability of City. Notwithstanding any other provision of law to the contrary, officers and other officials of the City of Chesterfield, Missouri 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 PACE program, including, without limitation, claims for or related to uncollected PACE Assessments. The City of Chesterfield, Missouri 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 Chesterfield, Missouri.
- D. 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.
- E. City as a Non-Party. The City of Chesterfield, 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 of Chesterfield, Missouri declares its intent that the provisions of this Ordinance shall be in conformity with federal and state laws. The City enacts this Ordinance pursuant to Sections 67.2800 to 67.2835 of the Missouri Revised Statutes, as amended.

**SECTION 3:** The City of Chesterfield, Missouri does hereby request that it be approved by the Clean Energy Development Board of Show Me PACE as a duly authorized participant in the District.

**SECTION 4:** The election of the City of Chesterfield, Missouri to join the District shall in no way constitute an obligation of the City necessitating any corresponding appropriation.

**SECTION 5:** The City Clerk is hereby authorized to deliver a duly executed copy of this Ordinance to the Clean Energy Development Board 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 6:** This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this 3<sup>rd</sup> day of August, 2015.

Bob Nation  
MAYOR

ATTEST:

Vickie Hass  
CITY CLERK