



BILL NO. 3897

CITY OF BALLWIN

ORDINANCE NO. 15-

14811 Manchester Road, Ballwin, MO 63011

INTRODUCED BY

ALDERMEN TERBROCK, FINLEY, ROACH, STALLMANN, FLEMING, LEAHY, KERLAGON, BULLINGTON

AN ORDINANCE TO ENABLE THE CITY OF BALLWIN, MISSOURI TO JOIN SHOW ME PACE AND TO JOIN MISSOURI CLEAN ENERGY DISTRICT, 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 95th General Assembly of the State of Missouri 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 Ballwin, 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 authorizes one or more Municipalities (as defined in Section §67.2800.7, 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 the 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 an appropriate ordinance or resolution; and

WHEREAS, on January 3, 2011, a clean energy development board now named the Missouri Clean Energy District 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 Ballwin, Missouri and its residents to join and participate in Show Me PACE and join and participate in Missouri Clean Energy District.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, MISSOURI, AS FOLLOWS:

Section 1: The City hereby approves and authorizes joining and participating in Show Me PACE and joining and participating in the Missouri Clean Energy District based on the following:

A. Title and Definitions.

1. *Title.* This Ordinance shall be known and may be cited as “The City of Ballwin, Missouri Property Assessed Clean Energy Ordinance.”
2. *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 of the Missouri Revised Statutes, 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.
 - a. “Show Me PACE” means the Show Me PACE District.
 - b. “MCED” means the Missouri Clean Energy District.
 - c. “Districts” means both the Show Me PACE and Missouri Clean Energy District.
 - d. “PACE Assessment” means a special assessment made against qualifying property in consideration of PACE Funding.
 - e. “PACE Funding” means funds provided to the owner(s) of Qualifying Property by the District for an energy efficiency or renewable energy improvement.
 - f. “Qualifying Property” means real property located in the City of Ballwin, Missouri that satisfies the criteria set forth in the PACE Act.

B. Program Administration. Ballwin Property owners may independently select either Show Me PACE or MCED to serve as program administrator on a project by project basis. Both Districts shall each independently administer the functions of a PACE program for their projects 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 Ballwin, Missouri and St. Louis County, 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 Ballwin, 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 Ballwin, 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 Ballwin, 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 Ballwin, 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 Ballwin, Missouri does hereby request that it be approved by the Board of Directors of Show Me PACE and by the Board of Directors of MCED as a duly authorized participant in the District.

Section 4: The election of the City of Ballwin, Missouri to join the Districts 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 Board of Directors of each of the Districts or its designee, together with the jurisdictional and geographic boundaries of the City for inclusion in the jurisdictional and geographic boundaries of the Districts.

Section 6: This Ordinance shall be in full force and effect from and after its passage and approval.

Section 7. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict repealed.

Section 8. This ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this _____ day of _____, 2015.

TIM POGUE, MAYOR

APPROVED this _____ day of _____, 2015.

TIM POGUE, MAYOR

ATTEST: _____

ERIC HANSON, CITY ADMINISTRATOR