

1     **BOARD BILL NO. 109**                             **INTRODUCED BY ALDERWOMAN LYDA KREWSON,**  
2                     **ALDERMAN BOSLEY, ALDERWOMAN HOWARD, ALDERMAN VACCARO,**  
3                     **ALDERMAN ORTMANN, ALDERWOMAN FLOWERS, ALDERMAN COATAR,**  
4                     **ALDERMAN STEPHEN CONWAY, ALDERMAN BOYD & ALDERMAN COHN**

5             An Ordinance enabling the City of St. Louis, Missouri to join the Missouri Clean Energy  
6     District pursuant to the Property Assessment Clean Energy Act, Sections 67.280 to 67.2835,  
7     inclusive, RSMo, in order to provide an additional authorized entity through which owners of  
8     property within the City may obtain financings for energy efficiency improvements or renewable  
9     energy improvements to their property; stating the terms under which the City will conduct activities  
10    as a member of such District; prescribing the form and details thereof; authorizing certain actions by  
11    City officials; and containing a severability clause.

12            **WHEREAS**, in 2010, the 95<sup>th</sup> General Assembly of Missouri enacted Sections 67.2800 to  
13    67.2835, inclusive, RSMo, known as the “Property Assessment Clean Energy Act” (“Act”); and,

14            **WHEREAS**, the development, production, and efficient use of clean energy and renewable  
15    energy, as well as the installation of energy efficiency improvements to publicly and privately owned  
16    residential and commercial real property, will create jobs for residents of the City of St. Louis, will  
17    advance the economic well-being of the City of St. Louis, will advance public and environmental  
18    health of the citizens of the City of St. Louis, and will contribute to the energy independence of our  
19    City and our nation; and,

20            **WHEREAS**, the primary intent of funding energy efficiency and renewable energy  
21    improvements pursuant to the Act is to promote the public purposes described above; and,

22            **WHEREAS**, increasing the usage of energy efficient improvements and renewable energy  
23    will promote the objective of reducing greenhouse gas emissions that is contained in the City of St.  
24    Louis Sustainability Plan; and,

25            **WHEREAS**, Section 67.2810.1, RSMo authorizes one or more municipalities to establish  
26    clean energy development boards to initiate and administer Property Assessed Clean Energy

1 (“PACE”) Programs so that owners of qualifying property can access funding for energy efficiency  
2 improvements or renewable energy improvements to their properties located in such municipalities;  
3 and,

4 **WHEREAS**, in 2011, by Ordinance 69056, the City of St. Louis established the Clean  
5 Energy Development Board of the City of St. Louis, Missouri (“Board”) to administer a PACE  
6 program within the City; and,

7 **WHEREAS**, on January 3, 2011, a clean energy development board known as the Missouri  
8 Clean Energy District (“MCED”), an independent political subdivision of the State of Missouri, was  
9 created with the purpose that all municipalities within the State of Missouri would be eligible to join  
10 it and participate in its programs in order to achieve economies of scale and other benefits that can be  
11 passed on to the residents and participants in the MCED PACE program; and,

12 **WHEREAS**, MCED has adopted national standards in consumer protection policies to  
13 protect the integrity of its PACE Program; and

14 **WHEREAS**, the City of St. Louis also desires to require consumer protection policies to  
15 protect the integrity of the PACE Program for property owners and the City of St. Louis; and

16 **WHEREAS**, it is in the best interests of the City of St. Louis, Missouri that its residents be  
17 served by the City’s membership in the MCED, expanding such residents’ access to the PACE  
18 programs, the benefits of MCED’s adoption of consumer protection policies, and the expertise and  
19 financial resources for PACE Projects available through MCED; and

20 **WHEREAS**, participation by the City of St. Louis in MCED must be authorized by an  
21 appropriate ordinance or resolution; and,

22 **WHEREAS**, by authorizing the City of St. Louis to join MCED, as evidenced by adoption  
23 of this ordinance, the City of St. Louis is offering additional resources and protections to property  
24 owners in the City seeking to participate in PACE funding for authorized energy improvements.  
25 Such participation in MCED shall not diminish the power or authority of the City of St. Louis to  
26 operate its PACE program through the Board or the power or authority to approve any other clean

1 energy development board in the future, but instead increases the available tools, resources and  
2 protection for residents of the City of St. Louis; and

3 WHEREAS, the assessments are to be collected in the same manner and priority as ad  
4 valorem real property taxes; and

5 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF**  
6 **THE CITY OF ST. LOUIS, MISSOURI, AS FOLLOWS:**

7 **SECTION 1. Findings of Fact.** The Board of Aldermen hereby finds and determines that it  
8 is in the best interests of the City of St. Louis and the health, safety, and welfare of City residents for  
9 the City to become a member of the MCED and authorize it to administer its PACE program within  
10 the City, in addition to the PACE program offered by the Clean Energy Development Board of the  
11 City of St. Louis, Missouri.

12 **SECTION 2. City to Join District.** The Board of Aldermen hereby authorizes, approves  
13 and directs the City of St. Louis to join MCED as a member jurisdiction, and as a member hereby  
14 authorizes the MCED to offer its PACE Program and financing in the City in accordance with  
15 Sections 67.2800 to 67.2835, inclusive, RSMo., the “Property Assessment Clean Energy Act”.

16 **SECTION 3. Appointment of Member of Advisory Council.** Upon passage of this  
17 ordinance, the Mayor is authorized and directed to appoint a City representative to the advisory  
18 council of the MCED. Such appointee shall be a resident of the City of St. Louis and a registered  
19 voter therein, and shall serve until the appointee resigns or is replaced by the Mayor.

20 **SECTION 4. Definitions and Administration.**

21 A. Definitions. Except as specifically defined below, words and phrases used in this  
22 Ordinance shall have their customary meanings. Words and phrases defined in Section 67.2800.2,  
23 RSMo, shall have their defined meanings when used in this Ordinance. As used in this Ordinance, the  
24 following words and phrases shall have the meanings indicated:

- 25 i. “Missouri Clean Energy District” or “District” or “MCED” means the  
26 Missouri Clean Energy District.

1           ii.       “Consumer Protection Policies” means from the most current version of the  
2           consumer protection policies adopted by PACENation.

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

5           iv.       “PACE Funding” means funds provided to the owner(s) of qualified property  
6           by the MCED for an energy efficiency improvement or renewable energy  
7           improvement.

8           v.       “Qualifying Property” means any real property located in the City of St.  
9           Louis, Missouri that qualifies for PACE funding under the Act and MCED’s PACE  
10          Program.

11          B.       Program Administration. The Missouri Clean Energy District shall administer the  
12       functions of its PACE Program within the City of St. Louis by:

13           i.       providing qualifying property owners with an application in order to apply for  
14           PACE Funds;

15           ii.       developing standards for the review and approval of Projects submitted by  
16           property owners;

17           iii.       reviewing applications and approving qualified Projects;

18           iv.       entering into Assessment Contracts with property owners for qualified  
19           Projects;

20           v.       providing a copy of each executed PACE Assessment to the Assessor of the  
21           City of St. Louis and causing a copy of each such PACE Assessment to be recorded in  
22           the real estate records of the Office of the Recorder of Deeds for the City of St. Louis;

23           vi.       authorizing and disbursing the PACE Funds to the property owners;

24           vii.       receiving the PACE Assessments from the Collector of the City of St. Louis;

25           viii.       recording the lien for the PACE Assessment;

26           ix.       exercising all powers granted by Section 67.2810.2, RSMo;

- 1 x. causing compliance with the requirements of the Act; and
- 2 xi. administering the Consumer Protection Policies and reporting on same to the
- 3 City of St. Louis on a periodic basis.

4 C. Liability of City Officials; Liability of City of St. Louis. Notwithstanding any other  
5 provision of law to the contrary, officers and other officials of the City of St. Louis shall not be  
6 personally liable to any person for claims, of whatever kind or nature, under or related to a PACE  
7 Program, including, without limitation, claims for or related to uncollected PACE Assessments. The  
8 City of St. Louis shall have no liability to a property owner for or related to energy savings  
9 improvements funded under a PACE Program. MCED is a separate political subdivision and shall for  
10 all purposes be considered an independent entity and shall not be considered a political subdivision  
11 of the City of St. Louis.

12 **SECTION 5. Consumer Protection Policies.** To protect the rights of property owners who  
13 participate in the PACE Program, and to ensure the integrity of the PACE Program and the good  
14 name of the City of St. Louis, MCED and the City of St. Louis agree that MCED shall adhere to the  
15 Consumer Protection Policies in the operation of its PACE Program in the City of St. Louis.

16 **SECTION 6. Collection and Disbursement of PACE Assessments; Fees.** The Assessor  
17 shall record the payment of each PACE Assessments as a lien on the property against which it is  
18 assessed, and each such PACE Assessment shall be collected by the Collector in the same manner, as  
19 provided in the Act and with the same priority, as ad valorem real property taxes, including the  
20 assessment of penalties and interest where applicable. When collected by the Collector, the  
21 Collector shall pay over the PACE Assessments, and any applicable penalty and interest, less a  
22 collection fee in accordance with Missouri law, in the same manner in which ad valorem real  
23 property taxes are paid to other taxing districts. Such PACE Assessments shall be collected in  
24 accordance with the Assessment Contracts from all subsequent property owners, for the term of the  
25 Assessment Contract.

1           **SECTION 7. Further Authority.** The Assessor, the Collector and the Recorder of Deeds, and  
2 other appropriate officials, agents, and employees of the City are hereby authorized to take such further  
3 actions and execute such documents as may be necessary to carry out and comply with this Ordinance, and  
4 to carry out, comply with and perform the duties of the City hereunder.

5           **SECTION 8. Severability.** It is hereby declared to be the intention of the Board of Aldermen  
6 that each and every part, section and subsection of this Ordinance shall be separate from each and every  
7 other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part,  
8 section and subsection separately and independently of any other part, section and subsection. In the event  
9 that any part, section or subsection of this Ordinance shall be determined to be or to have been unlawful or  
10 unconstitutional, the remaining parts, sections and subsections shall remain in full force and effect, unless  
11 the court making such finding shall determine that the valid portions standing alone are incomplete and are  
12 incapable of being executed in accord with the legislative intent.

13           **SECTION 9. Delivery of Ordinance.** The Register of the City is hereby authorized and directed  
14 to deliver a duly executed copy of this Ordinance to the Board of Directors of the District or its designee,  
15 together with the jurisdictional and geographic boundaries of the City of St. Louis for inclusion in the  
16 jurisdictional and geographic boundaries of the District.