

1 **BOARD BILL #195 CS** **INTRODUCED BY ALDERMAN JOSEPH**
2 **RODDY, ALDERWOMAN JENNIFER FLORIDA, ALDERWOMAN CAROL HOWARD**

3 An ordinance recommended by the Parks and Environment Committee establishing the
4 Clean Energy Development Board of The City of St. Louis, Missouri (the “Clean Energy
5 Development Board”); authorizing the Mayor to appoint the members of said Clean Energy
6 Development Board; authorizing said Clean Energy Development Board to provide for property
7 assessed clean energy financing for energy efficiency improvements to property within the City
8 of St. Louis; authorizing and directing the taking of other actions as necessary or desirable to
9 carry out and comply with the intent hereof; and superseding provisions of prior ordinances of
10 the City to the extent inconsistent with the terms hereof.

11 **WHEREAS**, the General Assembly of the State of Missouri has adopted the Property
12 Assessment Clean Energy Act, Sections 67.2800 to 67.2835, Revised Statutes of Missouri (the
13 “PACE Act”), which authorizes the City of St. Louis and other municipalities and counties in the
14 State of Missouri to create Clean Energy Development Boards to administer Property Assessed
15 Clean Energy (“PACE”) programs.

16 **WHEREAS**, PACE programs allow property owners to obtain loans through Clean
17 Energy Development Boards to finance energy efficiency and renewable energy improvements
18 to their property and repay such loans from the savings in energy costs resulting from such
19 improvements.

20 **WHEREAS**, it is in the best interests of the health, safety, and welfare of the City and its
21 residents to authorize the Mayor to appoint a Clean Energy Development Board to administer a
22 PACE program within the City, and to fund such PACE program through the receipt of grant
23 funds, the issuance of bonds, and/or other financing mechanisms and funding sources, and to

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1 make or cause to be made loans to property owners within the City to fund energy efficiency
2 improvements to their property, which loans would be repayable from the savings in energy
3 costs.

4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ST. LOUIS AS**
5 **FOLLOWS:**

6 **Section 1. Findings and Determinations.** The Board of Aldermen hereby finds and
7 determines that it is in the best interests of the City and the health, safety, and welfare of its
8 residents to authorize the Mayor to appoint a Clean Energy Development Board to administer a
9 PACE program within the City and to fund such PACE program through the receipt of grant
10 funds, the issuance of bonds, and/or other financing mechanisms and funding sources, and make
11 or cause to be made loans to property owners within the City to fund energy efficiency and
12 renewable energy improvements to their property, which loans would be repayable from the
13 savings in energy costs.

14 **Section 2. Creation of a Clean Energy Development Board.** The creation of a
15 Clean Energy Development Board, as set forth in the PACE Act, which shall hereinafter be
16 known as the Clean Energy Development Board of The City of St. Louis, Missouri is hereby
17 approved. The Clean Energy Development Board shall consist of five residents of the City of
18 St. Louis appointed by the Mayor and approved by the Board of Aldermen. The Mayor is hereby
19 authorized and directed to appoint said five members, with the advice and consent of said Board
20 of Aldermen.

21 **Section 3. Authority of the Clean Energy Development Board.** The Clean Energy
22 Development Board is hereby authorized to exercise all powers which may be exercised by such

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1 boards pursuant to the PACE Act, as may be revised from time to time, and to adopt bylaws
2 addressing the operations of the Clean Energy Development Board which are consistent with the
3 PACE Act and this Ordinance.

4 **Section 4. Terms of Board Members.** Of the Clean Energy Development Board
5 members first appointed by the Mayor and approved by the Board of Aldermen, one (1) shall be
6 designated to serve on the Clean Energy Development Board for a term of two (2) years from the
7 date of appointment, two (2) shall be designated to serve on the Clean Energy Development
8 Board for terms of three (3) years from the date of appointment, and the remaining two (2) shall
9 be designated to serve on the Clean Energy Development Board for a term of four (4) years from
10 the date of appointment; thereafter, each vacancy resulting from the expiration of a term shall be
11 filled in the same manner as set forth above, and each person so appointed shall be appointed to
12 serve on the Clean Energy Development Board for a term of four (4) years, except that the initial
13 term of a person appointed to fill a vacancy resulting from the resignation, death or incapacity of
14 a Clean Energy Development Board member during an unexpired term shall consist of the
15 unexpired portion of such term.

16 **Section 5. Actions in Accordance with the PACE Act.** It is hereby recognized that
17 the requirements of the PACE Act as pertain to the authority, number, qualifications, terms and
18 manner of appointment of persons to serve on the Clean Energy Development Board may, from
19 time to time, be revised. The Mayor and such other persons as may be directed to act with
20 respect thereto under the PACE Act in the future are hereby authorized to act in accordance with
21 the PACE Act, as from time to time revised, so that at all times hereinafter the Clean Energy
22 Development Board shall be and remain legally authorized to exercise the powers of a Clean

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1 Energy Development Board under the PACE Act, without further action of the City, the Board of
2 Aldermen, or the Clean Energy Development Board.

3 **Section 6. Further Authority.** The Mayor, the Comptroller, the Register, and other
4 appropriate officials, agents, and employees of the City are hereby authorized to take such
5 further actions and execute such documents as may be necessary or desirable to carry out and
6 comply with the intent of this Ordinance, and to carry out, comply with and perform the duties of
7 the City hereunder and under the PACE Act.

8 **Section 7. Severability and Superseding of Inconsistent Provisions.** The sections
9 of this Ordinance shall be severable. In the event that any section of this Ordinance is found by a
10 court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid,
11 unless the court finds the valid sections of the Ordinance are so essential and inseparably
12 connected with and dependent upon the void section that it cannot be presumed that this Board
13 would have enacted the valid sections without the void ones, or unless the court finds that the
14 valid sections standing alone are incomplete and are incapable of being executed in accordance
15 with the legislative intent. The provisions of this Ordinance hereby amend any provision of any
16 ordinance of the City inconsistent with the terms hereof, but only to the extent of such
17 inconsistency.

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