

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE enacting chapter 33., Jackson County Code, 1984, consisting of sections 3300., 3301., 3302., and 3303., relating to property assessed clean energy.

ORDINANCE NO. 4629, June 9, 2014

INTRODUCED BY James D. Tindall, County Legislator

WHEREAS, the 95th General Assembly of Missouri enacted §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 Jackson County, advance the economic well-being and public and environmental health of Jackson County, 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, §67.2810.1 authorizes one or more Municipalities (as defined in §67.2800.7) to establish a Clean Energy Development Board to initiate and administer a Property Assessed Clean Energy ("PACE") Program so that owners of qualifying

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property can access funding for energy efficiency improvements to their properties located in such Municipalities; 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 Jackson County and for the benefit of its residents to join and participate in the District; and

WHEREAS, the Legislature hereby approves and authorizes joining and participation in the Missouri Clean Energy District; and

WHEREAS, the Legislature declares its intent that the provisions of this Ordinance shall be in conformity with federal and state laws, and enacts this Ordinance pursuant to sections 67.2800 to 67.2835 of the Missouri Revised Statutes (2000), as amended; now therefore

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. Chapter 33., Jackson County Code, 1984, consisting of sections 3300., 3301., 3302., and 3303., is hereby enacted, to read as follows:

Chapter 33

Property Assessed Clean Energy

3301. Title and Definitions.

3301.1 Title. This chapter shall be known and may be cited as the “Jackson County, Missouri Property Assessed Clean Energy (PACE) Ordinance.”

3301.2 Definitions. Except as specifically defined below, word and phrases used in this chapter shall have their customary meanings. Words and phrases defined in section 67.2800.2 of the Missouri Revised Statutes (2000), as amended, shall have their defined meanings when used in this chapter. As used in this chapter, the following words and phrases shall have the meanings indicated.

“Missouri Clean Energy District” or “District” means the Missouri Clean Energy District.

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

“PACE Funding” means funds provided to the owner(s) of qualified property by the District for an energy efficiency improvement.

“Qualifying Property” means real property located in Jackson County, Missouri.

3302. Program Administration.

The Missouri Clean Energy District shall administer the functions of the PACE Program within the County by:

- a. providing property owners with an application in order to apply for PACE Funds;
- b. developing standards for the approval of Projects submitted by property owners;
- c. reviewing applications and select qualified projects;
- d. entering into Assessment Contracts with property owners;
- e. providing a copy of each executed Notice of Assessment to the Director of Assessment and causing a copy of each such Notice of Assessment to be recorded in the real estate records of the Jackson County Recorder of Deeds;
- f. authorizing and disbursing the PACE Funds to the property owners;
- g. receiving the PACE Assessment from the County Collector; and
- h. recording any lien, if needed, due to nonpayment of a PACE Assessment.

3303. Liability of County Officials; Liability of County.

Notwithstanding any other provision of law to the contrary, officers and other officials of the County, the District and the County, including, without limitation, tax assessors and tax collectors, shall not be personally liable to any person for

claims, of whatever kind or nature, under or related to the County's PACE Program, including, without limitation, claims for or related to uncollected PACE Assessments. The County 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 subdivision of the County.

3304. Appointment of Elector

The District is governed by a five-member Board of Directors. Each member entity appoints an elector to participate in the appointment process for Board members. The County Executive shall appoint a Jackson County resident to serve as Jackson County's elector, to serve a term coterminous with that of the County Executive.

Effective Date: This Ordinance shall be effective immediately upon its passage by the County Executive.

APPROVED AS TO FORM:

Jim D. Hark
Chief Deputy County Counselor

W. Stephen Neff
County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4629 introduced on June 9, 2014, was duly passed on *June 23*, 2014 by the Jackson County Legislature. The votes thereon were as follows:

Yeas *8*

Nays *0*

Abstaining *0*

Absent *0*

Excused *1*

This Ordinance is hereby transmitted to the County Executive for his signature.

6.23.14
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4629.

6/29/2014
Date

MDS
Michael D. Sanders, County Executive