

## **BILL NO. 18-12**

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AN ORDINANCE AUTHORIZING THE CITY OF LEE'S SUMMIT TO PARTICIPATE IN THE GREATER KANSAS CITY CLEAN ENERGY DEVELOPMENT BOARD AND AUTHORIZING FURTHER ACTIONS AS MAY BE NECESSARY OR DESIRABLE TO CARRY OUT AND COMPLY WITH THE INTENT HEREOF.

WHEREAS, it is in the best interests of the City of Lee's Summit, 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 State of Missouri has enacted the Property Assessment Clean Energy Act, Sections 67.2800 to 67.2835, Revised Statutes of Missouri (the "PACE Act"); and,

WHEREAS, the PACE Act authorizes one or more municipalities 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, PACE programs allow property owners to enter assessment contracts through a Clean Energy Development Board to finance energy efficiency and renewable energy improvements to their property and repay such assessments through their property tax bills; and,

WHEREAS, the City of Lee's Summit, desires to participate in the Greater Kansas City Clean Energy Development Board pursuant to Section 67.2810.1(2) of the PACE Act to create a clean energy district for the purposes of initiating and administering a PACE Program; and,

WHEREAS, the Cities of Independence, Missouri, Kansas City, Missouri, and Sugar Creek, Missouri also desire to participate in forming the Greater Kansas City Clean Energy Development Board pursuant to Section 67.2810.1(2) of the PACE Act to create a clean energy district for the purposes of initiating and administering a PACE Program whose geographic boundary includes all of the participating jurisdictions; and,

WHEREAS, it is in the best interests of the City and its residents to participate in the Greater Kansas City Clean Energy Development Board.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That the participation in the Greater Kansas City Clean Energy Development Board is hereby authorized, pursuant and subject to the following:

- A. That the Cities of Independence, Missouri, Kansas City, Missouri, and Sugar Creek, Missouri shall also be considered initial forming members of the Greater Kansas City Clean Energy Development Board (the "Board") upon their passage of an ordinance or resolution that authorizes the establishment of the Board and that is

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substantially similar to this ordinance on or before December 31, 2017.

- B. The Greater Kansas City Clean Energy Development Board shall have all the powers of a clean energy development board set out in Section 67.2800 through 67.2835 RSMo (the "PACE Act").
- C. The mayor or, if there is no mayor, the chief executive officer of each jurisdiction joining in the initial formation of the Board shall appoint a board member to the Greater Kansas City Clean Energy Development Board to manage a PACE program within the jurisdictions' borders. The initial term of each board member shall be for four years.
- D. The Greater Kansas City Clean Energy Development Board shall adopt bylaws addressing the operations of the Greater Kansas City Clean Energy Development Board which are consistent with the PACE Act and this Ordinance, and which shall include provisions for selecting an administrator to assist in managing a PACE program pursuant to a competitive request for proposals, for a jurisdiction to withdraw from the Board, and for consumer protection policies.
- E. The Greater Kansas City Clean Energy Development Board shall provide for an annual audit that shall be presented annually to the governing body of each participating jurisdiction. Furthermore, the Board shall collect and provide for inspection all data regarding projects to allow for analysis of outcomes and the efficacy of the program.

SECTION 2. That the City hereby recognizes that the requirements of the PACE Act may, from time to time, be revised, and affirms that appropriate officials that may be directed to act by state law with respect thereto under the PACE Act in the future are hereby authorized to act in accordance with the PACE Act, as from time to time revised, so that at all times hereinafter, the Greater Kansas City Clean Energy Development Board shall be and remain legally authorized to exercise the powers of a Clean Energy Development Board under the PACE Act, without further action of the City.

SECTION 3. The Mayor and City Manager, or their designees, are hereby authorized to take such further actions and execute such documents as may be necessary or desirable to carry out and comply with the intent of this Ordinance and the conditions set out in Section 1 hereof, and to carry out, comply with and perform the duties of the City hereunder and under the PACE Act.

SECTION 4. That this ordinance shall be in full force and effect from and after the date of its passage and adoption, and approval by the Mayor.

SECTION 5. That should any section, sentence, or clause of this ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

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PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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*Mayor Randall L. Rhoads*

ATTEST:

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*City Clerk Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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*Mayor Randall L. Rhoads*

ATTEST:

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*City Clerk Trisha Fowler Arcuri*

APPROVED AS TO FORM:

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Chief Counsel of Infrastructure and Planning  
*Nancy Yendes*