

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, words 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. (Ord. 5044, Eff. 11/06/2017)

“Greater Kansas City Clean Energy Development Board” or “Board” means the Greater Kansas City Clean Energy Development Board.

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

“PACE Act” means Missouri Property Assessed Clean Energy Act, Sections 67-2800 – 2835, RSMo, as amended.

“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 and the Greater Kansas City Clean Energy Development Board shall be empowered to 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 Board, 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 Board and the District shall for all purposes be considered independent entities and shall not be considered subdivisions of the County (Ord. 5044, Eff. 11/06/2017)

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. (Ord. 4629, Eff. 06/09/14)

3305. Greater Kansas City Clean Energy Development Board, Established

The Greater Kansas City Clean Energy Development Board is established. (Ord. 5044, Eff. 11/06/2017)

3305.1 Membership. The Board shall consist of five members:

- a. Chair of the Jackson County Legislature;
- b. The Mayor of the City of Sugar Creek, MO;
- c. The Legislative Auditor of Jackson County, MO; and,
- d. Two members selected by majority vote of the three permanent members, who shall serve terms of two years.

3305.2 Expenses. The Board shall establish reasonable procedures for Board members to be reimbursed for expenses incurred due to their Board service.

3306. Greater Kansas City Clean Energy Development Board, Authority

The Board is authorized to exercise all powers which may be exercised by similar boards pursuant to the PACE Act, as it may be revised from time to time, and to adopt bylaws addressing its operations as are consistent with the PACE Act and this chapter. (Ord. 5044, Eff. 11/06/2017)

3306.1 Start-Up Phase. The Missouri Clean Energy Authority, LLC (MOCEA) shall serve as Program Administrator for the Board during its initial or start-up phase. Such start-up phase shall extend for a period of one (1) year, and may be extended by vote of the Board for a period up to three (3) years. During the start-up phase, MOCEA shall be responsible for all costs and fees associated with the Board's operations. (Ord. 5044, Eff. 11/06/2017)

3307. PACE Act, Application

The requirements of the PACE Act as pertain to the authority, number, qualifications, terms, and manner of appointment of persons to serve on the Greater Kansas City Clean Energy Development Board may, from time to time, be revised, and the Legislature may act in accordance with the PACE Act, as from time to time revised, so that at all times 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. (Ord. 5044, Eff. 11/06/2017)

3308. Consumer Protections.

The Greater Kansas City Clean Energy Development Board shall adopt, before any project may be approved by the Board, consumer protection policies and standards that address, at a minimum, the following areas:

- a. Consumer eligibility;
- b. Minimum required disclosures and documentation to be provided to the consumer;
- c. Maximum rates and fees to be charged to the consumer; (d) Post-funding support for the consumer;
- d. Data and cyber-security standards to protect consumer data and personal information that comply with the Financial Services Modernization Act of 1999, Title V;
- e. The prohibition of PACE program practices that are misleading, deceptive, or violative of federal, state or local laws regarding marketing practices;
- f. Compliance with all federal, state, or local laws regarding protected classes;
- g. Availability of the program to low-income homeowners who are otherwise eligible for the program; and,

h. Implementation of a reasonable maximum finance amount.

These consumer protections shall either meet or exceed the national PACE standards as outlined in the Residential PACENation Consumer Protection Policies, as revised from time to time, viewable at <http://pacenation.us/consumer-protections/>. (Ord. 5044, Eff. 11/06/2017)

3309. Reporting and Auditing.

The Greater Kansas City Clean Energy Development Board shall provide for an annual audit, and the Board shall collect and provide data regarding projects for inspection to allow for analysis of outcomes and the efficacy of the program. (Ord. 5044, Eff. 11/06/2017)