

AN ORDINANCE TO ENABLE THE CITY OF HIGGINSVILLE, MISSOURI, TO JOIN SHOW ME PACE, PURSUANT TO SECTIONS §67.2800 TO §67.2835, RSMO, THE “PROPERTY ASSESSMENT CLEAN ENERGY ACT,” AND STATING THE TERMS UNDER WHICH THE CITY OF HIGGINSVILLE WILL CONDUCT ACTIVITIES AS A MEMBER OF SUCH DISTRICT.

WHEREAS, the 95th General Assembly of the State of Missouri has adopted the Property Assessment Clean Energy Act, Sections 67.2800 to 67.2835, Revised Statutes of Missouri (the "PACE Act"); and

WHEREAS, it is in the best interests of the health, safety, and welfare of the City of Higginsville, 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 primary intent of funding energy efficiency and renewable energy improvements, pursuant to the PACE Act, is to promote the public purposes described above; and

WHEREAS, Section §67.2810.1, RSMo authorizes one or more Municipalities (as defined in Section §67.2800.7, RSMo) 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, on June 15, 2015, a clean energy development board, named Show Me PACE, was created with the intention that all Municipalities (as defined in the PACE Act) 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 The City of Higginsville, Missouri, and its residents, to join and participate in Show Me PACE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGGINSVILLE MISSOURI, AS FOLLOWS:

SECTION 1: The City of Higginsville hereby approves and authorizes joining and participating in Show Me PACE, based on the following:

A. Title and Definitions.

1. *Title.* This Ordinance shall be known, and may be cited as, “The City of Higginsville, Missouri, Property Assessed Clean Energy Ordinance.”
2. *Definitions.* Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings. Words and phrases defined in Section 67.2800.2 of the Missouri Revised Statutes, as amended, shall have their defined meanings, when used in this Ordinance. As used in this Ordinance, the following words and phrases shall have the meanings indicated.
 - a. “Show Me PACE”, or “District”, means the Show Me PACE Clean Energy Development Board.
 - b. “PACE Assessment” means a special assessment made against qualifying property, in consideration of PACE Funding.
 - c. “PACE Funding” means funds provided to the owner(s) of Qualifying Property, by the District, for an energy efficiency, water conservation or renewable energy improvement.
 - d. “Qualifying Property” means commercial property, property owned by not-for-profit entities, agricultural property, and property owned by civic entities, located within the City of Higginsville, Missouri, that satisfies the criteria set forth in the PACE Act.

B. Program Administration. Show Me PACE shall administer the functions of a PACE program, within the City by:

1. providing property owners with an application to apply for PACE Funding;
2. developing standards for the approval of projects submitted by Qualifying Property owners;
3. reviewing applications and selecting qualified projects;
4. entering into Assessment Contracts with Qualifying Property owners;
5. providing a copy of each executed Notice of Assessment to the County Assessor, and causing a copy of each such Notice of Assessment to be recorded in the real estate records of the Recorder of Deeds for the County;

6. authorizing and disbursing PACE Funding to the Qualifying Property owners;
 7. receiving the PACE Assessment from the County Collector;
 8. recording any lien, if needed, due to nonpayment of a PACE Assessment; and
 9. exercising all powers granted by Section 67.2810.2 of the Missouri Revised Statutes, as amended, including, but not limited to, the power to levy and collect the PACE Assessment, pursuant to an Assessment Contract with a Qualifying Property owner.
- C. Liability of City Officials; Liability of City. Notwithstanding any other provision of law to the contrary, officers and other officials of the City of Higginsville, Missouri, shall not be personally liable to any person for claims, of whatever kind or nature, under or related to, the City's participation in the PACE program, including, without limitation, claims for, or related to, uncollected PACE Assessments. The City of Higginsville Missouri, has no liability to a property owner for, or related to, energy savings improvements, funded under a PACE Program. Pursuant to the PACE Act, the District is a separate political subdivision, and is not a unit of the City of Higginsville.
- D. Existing Laws Not Superseded. Any project or improvement at any Qualifying Property, which is funded, in whole or in part, of PACE Funding, shall be subject to all ordinances, rules and regulations, in effect at that time.
- E. City as a Non-Party. Higginsville, Missouri, shall not be a party to any PACE Funding agreement, loan, or other commitment, however denominated, executed between the District and the owner(s) (or their representatives, together with any successors and assigns) of any Qualifying Property.

SECTION 2: The City of Higginsville Missouri, declares its intent that the provisions of this Ordinance shall be in conformity with federal and state laws. The City enacts this Ordinance, pursuant to Sections 67.2800 to 67.2835, of the Missouri Revised Statutes, as amended.

SECTION 3: The City of Higginsville, Missouri, does hereby request that it be approved by the Board of Directors of Show Me PACE, as a duly authorized participant in the District. The City hereby approves the Show Me PACE Cooperative Agreement, among the District and the participating Municipalities, in substantially, the form attached hereto, as **Exhibit A** (the "Cooperative Agreement"). The Mayor of the City of Higginsville is hereby authorized and directed to execute the Cooperative on behalf of the City.

SECTION 4: The election of City of Higginsville, Missouri, to join the District, shall in no way constitute an obligation of the City, necessitating any corresponding appropriation.

SECTION 5: The City Clerk is hereby authorized to deliver a duly executed copy of this Ordinance to the Board of Directors of the District, or its designee, together with the jurisdictional and geographic boundaries of the City, for inclusion in the jurisdictional and geographic boundaries of the District.

SECTION 6: The officials and agents of the City are hereby authorized and directed, to take such actions and execute such other documents, certificates and instruments, as may be necessary, or desirable, to carry out and comply with the intent of this Ordinance.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage and approval.

Read two (2) times and passed by title this 6th day of May 2024.

Donald Knehans
Mayor Donald Knehans

ATTEST: Sheri Tieman
City Clerk Sheri Tieman

APPROVED BY THE MAYOR THIS 6th DAY OF May 2024.

Donald Knehans
Mayor Donald Knehans

ATTEST: Sheri Tieman
City Clerk Sheri Tieman

M/S by Booker and Barker to accept first reading, motion Carried.

M/S by Augustine and Barker to accept second and final reading and assign Ordinance No. 3046.

Said Ordinance passed by the following roll call votes:

Augustine yes, Barker yes, Booker yes, Lohmann yes, Rhoad yes, and Vetter yes.