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Filed: 08-20-19

Sponsored by: Schilling

COUNCIL BILL 2019- 203 RESOLUTION

A RESOLUTION

1 DIRECTING the City of Springfield, Missouri, to withdraw as a member of the
2 Missouri Clean Energy District created pursuant to the “Property
3 Assessment Clean Energy Act;” and directing the City Clerk to send a
4 certified copy of this Resolution to the Board of Missouri Clean Energy
5 District.

6 _____
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8 WHEREAS, the 95th General Assembly of Missouri enacted RSMo. Sections
9 §67.2800 to §67.2835, inclusive, known as the “Property Assessment Clean Energy
10 Act” (the “PACE Act”); and

11
12 WHEREAS, on or about January 3, 2011 a clean energy development board
13 named the Missouri Clean Energy District (“MCED”) was created with the intent that all
14 municipalities within the State of Missouri would be eligible to join and participate in the
15 district by approving an appropriate ordinance or resolution; and

16
17 WHEREAS, on or about July 13, 2015, the Council for the City of Springfield
18 voted to join and participate in the Missouri Clean Energy District (“MCED”) through
19 Special Ordinance 26594, with the hope and intent that participation would promote the
20 development, production, and efficient use of clean energy and renewable energy, as
21 well as the installation of energy efficiency improvements to publicly and privately
22 owned real property, would create jobs for residents of the City of Springfield, Missouri,
23 would advance the economic well-being and public and environmental health of the
24 City, and would contribute to the energy independence of our nation; and

25
26 WHEREAS, it has come to the attention of City Council that joining the MCED
27 has not produced the intended results and has possibly resulted in difficult
28 reimbursement measures for certain residential properties; and

29
30 WHEREAS, the MCED by-laws, specifically Article IV, Members, Section 4.
31 Withdrawal, provides in part that: “Any Member may withdraw as a Member of the
32 District by filing with the Executive Director a certified copy of an ordinance or resolution
33 stating the intention of the Member to withdraw;” and

34
35 WHEREAS, it is in the best interest of the City of Springfield, Missouri, and for

36 the benefit of its residents, to withdraw from the Missouri Clean Energy District and
37 prohibit any additional clean energy financing within the City's corporate boundaries.

38
39 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
40 SPRINGFIELD, MISSOURI, as follows, that:

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42 Section 1 – The City hereby withdraws its membership and participation in the
43 Missouri Clean Energy District (“MCED”) effective immediately, with an immediate
44 cessation of any new clean energy financing within the City's corporate boundaries.

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46 Section 2 – The City Clerk is hereby authorized and instructed to deliver a duly
47 executed, certified copy of this Resolution to the Executive Director of MCED.

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49 Section 3 – This Resolution shall be in effect from and after passage.

50
51 Passed at meeting: _____

52
53
54 _____
55 Mayor

56
57 Attest: _____, City Clerk

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59 Filed as Resolution: _____

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62 Approved as to form: *Jim Millington*, Deputy City Attorney

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65 Approved for Council action: *Jason A. Hays*, City Manager

EXPLANATION TO COUNCIL BILL 2019-203

FILED: 08-20-19

ORIGINATING DEPARTMENT: Law

PURPOSE: To withdraw as a member of the Missouri Clean Energy District created pursuant to the "Property Assessment Clean Energy Act;" and directing the City Clerk to send a certified copy of this Resolution to the Board of Missouri Clean Energy District

BACKGROUND INFORMATION: The "Property Assessment Clean Energy Act" (the "PACE Act") is authorized by RSMo. Sections §67.2800 to §67.2835, inclusive. On or about July 13, 2015, City Council voted to join and participate in a PACE clean energy development board named the Missouri Clean Energy District ("MCED") through Special Ordinance 26594, with the hope and intent that participation would promote the development, production, and efficient use of clean and renewable energy through the installation of energy efficiency improvements to publicly and privately owned real property, would create jobs for residents of the City of Springfield, Missouri, would advance the economic well-being and public and environmental health of the City, and would contribute to the energy independence of our nation.

While the program has good intentions, joining the MCED has not produced the intended results and has possibly resulted in difficult reimbursement measures for certain residential properties. It appears a legislative update to enhance consumer protection is necessary.

Further, Greene County has acted to rescind their program participation, and it is in the best interest of citizens that the City and Greene County remain in alignment regarding this program.

Should sound legislative changes for consumer protection be made, the City would consider participating again in a PACE Act program.

Councilman Schilling initiated the original Council action to participate in the PACE Act by joining the MCED, and now recommends withdrawal effective immediately. Pursuant to MCED by-laws, the City Clerk will be directed by this Resolution to provide a certified copy of the Resolution to the Executive Director of MCED for immediate termination of participation.

Recommended by:



Collin Quigley, Deputy City Manager

Approved by:



Jason Gage, City Manager