

MEMORANDUM

Agenda Item No.8(M)(1)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution authorizing the
Mayor to execute the United
States Department of Energy's
Better Buildings Challenge
Community Partnership
Agreement and amendments

Resolution No. R-795-12

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

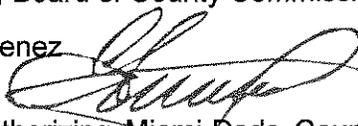
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Memorandum



Date: October 2, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Resolution authorizing Miami-Dade County's participation in the United States Department of Energy's Better Building Challenge

Recommendation

It is recommended that the Board of County Commissioners authorize the Mayor or the Mayor's designee's action in joining the United States Department of Energy's Better Buildings Challenge by signing a Community Partnership Agreement (the Agreement). In addition, it is recommended that the Board authorize the Mayor or the Mayor's designee to execute amendments to the Agreement; exercise any termination clauses provided for in this Agreement; and apply for, receive, and expend grant funds that may become available from the Department of Energy as part of this Better Buildings Challenge Community Partnership Agreement.

Scope

The applicability of the Better Buildings Challenge Agreement is limited to County facilities and operations. Participation in the Better Buildings Challenge would recognize the County's efforts to: 1) reduce fossil fuel emissions in a manner that is environmentally sustainable; 2) reduce the County's total energy use; 3) improve energy efficiency in County buildings; 4) support implementation of the electricity master plan; 5) support objectives of the County's Sustainable Buildings Program; and 6) support implementation of GreenPrint energy goal area objectives.

Fiscal Impact/Funding Source

The Agreement facilitates the prioritizing of energy conservation projects and proactive maintenance to reduce overall energy consumption in County operations. Implementation shall be done on an annual basis and set forth in the annual budgets to be approved by this Board. The Department of Regulatory and Economic Resources, through its Office of Sustainability, will work closely with the various County departments to identify free or low-cost energy savings. Overall, a positive fiscal impact is anticipated from savings that result from less energy consumption. The Agreement is voluntary and can be terminated by Miami-Dade County at any time, for no reason, with no penalty.

Track Record/Monitor

The Office of Sustainability, a division of the Department of Regulatory and Economic Resources, through Patricia Gomez, Sustainability Program Manager for Energy and Infrastructure, will monitor activities related to this Agreement.

Background

Miami-Dade County government is dependent on electricity for every facet of its operations. From powering its airport, seaport and railway, to treating and delivering drinking water, to operating landfills and hundreds of buildings, electricity is vital to the services the County provides to its 2.5 million residents.

The Department of Energy's Better Buildings Challenge is a voluntary leadership initiative which calls chief executive officers, university presidents, and state and local leaders to create American jobs through energy efficiency. By joining, community partners like Miami-Dade County will make public commitments to action such as pledging to improve the

energy intensity (Kilowatt hours/ft²) of the County's portfolio by at least 20 percent below 2009 baseline by 2020, developing a plan and sharing results. In return, the Department of Energy will provide technical assistance, connect community partners and provide positive national recognition for community partners.

The Better Buildings Challenge is in-line with initiatives in the community's sustainability plan, *GreenPrint*, and with Board adopted legislation. In fact, on March 3, 2009, the Board adopted Resolution No. R-228-09 (Resolution to Reduce Miami-Dade County Government's Electrical Energy Consumption). The policy directed that a plan be developed to reduce electric energy usage in County governmental operations by 20 percent relative to 2007 consumption levels (or 234,000 Megawatt hours) by no later than 2014. On June 22, 2009, a follow-up report on efforts to develop a "Plan for Achieving 20 Percent Reduction in County Electricity Consumption by 2014" was submitted to the Board which summarized the actions taken to address the Resolution, many projects of which would be federally funded through the County's Energy Efficiency and Conservation Block Grant. This Challenge will complement Resolution No. R-228-09 and associated on-going initiatives by adding an intensity target for energy reduction beyond 2014.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt, Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 2, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(M) (1)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(M) (1)
10-2-12

RESOLUTION NO. R-795-12

RESOLUTION AUTHORIZING THE MAYOR OR THE MAYOR'S DESIGNEE'S TO EXECUTE THE UNITED STATES DEPARTMENT OF ENERGY'S BETTER BUILDINGS CHALLENGE COMMUNITY PARTNERSHIP AGREEMENT AND AMENDMENTS THERETO; EXERCISE TERMINATION PROVISIONS AND ALL OTHER RIGHTS PROVIDED THEREIN; AND APPLY FOR, RECEIVE, AND EXPEND GRANT FUNDS THAT MAY BECOME AVAILABLE AS PART OF THIS AGREEMENT

WHEREAS, on March 3, 2009, the Miami-Dade County Board of County Commissioners adopted Resolution No. R-228-09 which directed the Mayor or designee to develop a plan to reduce electric energy usage in County governmental operations by 20 percent relative to 2007 consumption levels (or 234,000 Megawatt hours) by no later than 2014; and

WHEREAS, the United States Department of Energy's Better Buildings Challenge is a voluntary leadership initiative which calls chief executive officers, university presidents, and state and local leaders to create American jobs through energy efficiency; and

WHEREAS, as part of the Better Buildings Challenge Community Partnership Agreement, Miami-Dade County would pledge to improve the energy intensity (Kilowatt hours/ft²) of the County's portfolio by at least 20 percent below the 2009 baseline by 2020, develop a plan for energy savings, and share results on how the County achieved greater energy efficiency; and

WHEREAS, as part of the Better Buildings Challenge Community Partnership Agreement, the United States Department of Energy would provide the County with technical assistance, connect community partners, and provide positive national recognition for

community partners, such as Miami-Dade County, for achieving program milestones and energy efficiency results; and

WHEREAS, this Challenge will compliment Resolution No. R-228-09 and associated on-going initiatives by adding an intensity target for energy reduction beyond 2014; and

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Mayor or the Mayor's designee is authorized to execute the Better Buildings Challenge Community Partnership Agreement (the "Agreement") with the United States Department of Energy, in substantially the form attached, and execute amendments to this Agreement, after approval from the County Attorney's Office as to form and legal sufficiency.

Section 2. The Mayor or the Mayor's designee is authorized to exercise any termination clauses and all other rights provided for in this Agreement.

Section 3. In the event that grant funds become available from the Department of Energy as part of this Better Buildings Challenge Community Partnership Agreement, the Mayor or the Mayor's designee is authorized to apply for, receive, and expend such grant funds.

The foregoing resolution was offered by Commissioner **Sally A. Heyman** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	aye
	Audrey M. Edmonson, Vice Chairwoman	aye
Bruno A. Barreiro	aye	Lynda Bell aye
Esteban L. Bovo, Jr.	absent	Jose "Pepe" Diaz absent
Sally A. Heyman	aye	Barbara J. Jordan aye
Jean Monestime	aye	Dennis C. Moss absent
Rebeca Sosa	aye	Sen. Javier D. Souto absent
Xavier L. Suarez	absent	

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of October, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Christopher Agrippa

By: _____
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Abbie Schwaderer-Raurell

Better Buildings Challenge

Community Partnership Agreement

The **Better Buildings Challenge** is a Presidential leadership initiative which calls on chief executive officers, university presidents, and state and local leaders to create American jobs through energy efficiency. **Community Partners** will make public commitments to action — specifically committing to advocate for energy efficiency and develop innovative partnerships and approaches to reduce energy intensity within their communities — and implement their plans to achieve lasting energy savings, improve our environment, and reduce our dependency on foreign oil.

The Partner Agrees to:

✓ Commit

- Assign a senior leader and primary point of contact to fulfill Better Buildings Challenge commitments within 1 month
- Publicly pledge to improve the energy intensity of your portfolio by at least 20% by 2020 and work with local businesses, universities and other organizations and encourage them to assess opportunities to promote measurable energy efficiency savings
- Develop an organization wide plan with energy reduction milestones to achieve energy savings commitment within 6 months

✓ Take Action

- Publicly announce an initial showcase project (e.g. retrofit, retro commissioning) within 3 months and initiate the project within 9 months.
- Announce the use of one or more energy efficiency implementation models within 6 months

✓ Report Results

- Share information on the energy efficiency implementation models used to achieve the energy-savings commitment
- Make available portfolio-wide facility-level energy performance information within 6 months and every 6 months thereafter
- Provide regular updates on progress with showcase projects and energy efficiency implementation models, energy savings across the organization, and energy performance at the facility level as the basis for recognition
- Share successful energy efficiency initiatives with the Better Buildings Challenge Network

The Department of Energy (DOE) Agrees to:

✓ Assist

- Provide technical assistance and energy efficiency implementation models to support Community Partners' commitment to measure, track, and improve energy performance
- Collaborate with Community Partner on a regular basis

✓ Connect

- Establish a marketplace of energy efficiency stakeholders, such as government, industry, utilities, service providers, financial institutions, and technology companies
- Connect Community Partners with Allies that commit to transparency and good faith efforts to provide products, services, financing and other resources to evaluate and support energy efficiency projects

✓ Recognize Success

- Provide national recognition to Community Partners for achieving program milestones and energy efficiency results
- Recognize Community Partners who leverage, develop, and share innovative and cost-effective energy efficiency implementation models

Agreement:

My organization is committed to continuous improvement in energy efficiency. We agree to the Better Buildings Challenge General Terms.

Senior Leader/ Government Leader

Contact Information:

Company: _____ Address: _____
Name: _____ Phone Number: _____
Title: _____ E-mail: _____
More Specific Commitment: _____

General Terms

- Both parties concur that this agreement is wholly voluntary and may be terminated by either party at any time, and for any reason, with no penalty.
- Partner will not construe, claim, or imply that its participation in the Better Buildings Challenge constitutes federal government approval, acceptance, or endorsement of anything other than Partner's commitment to the program.
- Partner understands its participation in the Better Buildings Challenge does not constitute federal government endorsement of Partner or its buildings, homes, products, services, or facilities.
- Partner understands that the activities it undertakes in connection with the Better Buildings Challenge are voluntary and not intended to provide services to the federal government. Partner will not submit a claim for compensation to any federal agency.
- The Better Buildings Challenge will honor all requests to keep the Partner's information and data confidential.