

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2013 Legislative Session

Bill No. CB-83-2013
Chapter No. 69
Proposed and Presented by Council Member Lehman
Introduced by Council Members Lehman, Franklin, Toles, Olson and Davis
Co-Sponsors _____
Date of Introduction October 22, 2013

BILL

1 AN ACT concerning

2 Clean Renewable Energy Technology in Public Buildings

3 For the purpose of requiring clean renewable energy technology in the construction or major
4 renovation of public buildings; defining clean renewable energy technology; providing for a
5 clean renewable energy technology project feasibility assessment by the Purchasing Agent;
6 establishing a Clean Renewable Energy Program; specifying the purposes and uses of the
7 Program; and generally relating to clean renewable energy technology.

8 BY adding:

9 SUBTITLE 2. ADMINISTRATION.

10 Sections 2-505, 2-506, 2-507, and 2-508,

11 BY adding:

12 SUBTITLE 10A. PURCHASING.

13 Sections 10A-158.03, 10A-158.04, 10A-158.05, and

14 10A-158.06,

15 The Prince George's County Code

16 (2011 Edition; 2012 Supplement).

17 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
18 Maryland, that Sections 2-505, 2-506, 2-507, and 2-508 of the Prince George's County Code be
19 and the same are hereby added:

20 SUBTITLE 2. ADMINISTRATION.

21 **DIVISION 42. CLEAN ENERGY RENEWABLE ENERGY PROGRAM.**

1 **Sec. 2-505. Program established.**

2 (a) There is a Prince George's County Clean Renewable Energy Program ("Program").

3 (b) As defined under Subtitle 10A, Division 6, Subtitle 16 of the County Code, every
4 appropriation for a County public building or major renovation shall include an additional
5 appropriation of two percent (2%) to the projected total cost funded by the County, as shown in
6 the County's Capital Improvement Program subject to Section 10A-158.05 of the County Code.

7 **Sec. 2-506. Purposes and uses.**

8 (a) In general. The purposes of the Program are to:

9 (1) increase the development and deployment of cost-effective and environmentally
10 sustainable renewable power resources in Prince George's County;

11 (2) benefit publicly owned buildings; and

12 (3) provide for public-private partnerships that result in the development and
13 deployment of clean renewable energy technology projects as defined under Subtitle 10A,
14 Division 6, Subdivision 16 of the County Code.

15 **Sec. 2-507. Administration of the Program.**

16 (a) Administration. The Office of Central Services, unless another entity is designated by
17 resolution of the County Council with concurrence of the County Executive, (herein defined as
18 the "Managing Entity") shall administer the Program according to accepted principles of sound
19 accounting and fiscal management.

20 (b) Operation. The operation of the Program shall be subject to the availability of funding.

21 **Sec. 2-508. Reporting.**

22 (a) Report to the Council and County Executive. The Managing Entity shall provide an
23 annual report to the County Council and County Executive that outlines the following:

24 (1) the added clean renewable energy technology generation by project;

25 (2) the revenues and expenditures of the Program;

26 (3) projects supported by the Program; and

27 (4) the annual savings to the County's utility expenses from the projects.

28 SECTION 2. BE IT ENACTED by the County Council of Prince George's County,
29 Maryland, that Sections 10A-158.03, 10A-158.04, 10A-158.05 and 10A-158.06 of the Prince
30 George's County Code be and the same are hereby added:

31 **SUBTITLE 10A. PURCHASING.**

DIVISION 6. SPECIAL PROVISIONS.**Subdivision 16. Clean Renewable Energy Technology in Public Buildings.****Sec. 10A-158.03. Definitions.**

(a) In this Subdivision, the following words have the meaning indicated.

(1) Clean renewable energy technology means technology or a system that employs geothermal heating and cooling, solar hot water, wind, solar electricity generation, or solar thermal generation. Clean renewable energy technology shall also include passive solar energy generation that reduces energy use from other sources by at least twenty percent (20%).

(2) Cost effective means where the cost of installing clean renewable energy technology on a new or major renovation of a public building is not projected to exceed the projected cost savings of the installation within the first fifteen (15) years after the commencement of the installation.

(3) Major renovation means when the square footage of the building being renovated is fifty percent (50%) or greater of the building's gross floor area.

(4) Projected total cost means the estimated cost required to construct or renovate a building, including building systems, interior finishes, site infrastructure, connections to existing utilities, landscaping, and sidewalks and parking lots built for the immediate use of the building.

(5) Public building means a permanent building which will be owned, partially owned or controlled by a County agency and which is either used by the public or enclosed by walls and roof to allow County employees to use or occupy the building on a regular basis for a significant part of their work. Public building shall also include County libraries.

Sec. 10A-158.04. Clean renewable energy technology; requirement.

(a) A contract for the construction of a public building or for the major renovation of a public building shall require the use of clean renewable energy technology. The building shall have installed a minimum of one kilowatt of clean renewable energy technology for every one thousand (1,000) square feet of gross floor area subject to Subsection (b) below. Ground mounted clean renewable energy technology on or directly adjacent to the building lot may be used to meet this requirement.

(b) The Purchasing Agent shall limit the size of the clean renewable energy technology installation if the upfront cost of the installation is projected to exceed two percent (2%) of the projected total cost of the new building or renovation unless the expenditures have been

1 transferred to the project under Section 10A-158.05(b), in which case the expenditures upfront
 2 cost shall be limited to four percent (4%) of the projected total cost.

3 **Sec. 10A-158.05. Project feasibility assessment.**

4 (a) The Purchasing Agent or his designee shall perform a feasibility assessment to
 5 determine whether the new construction project or the major renovation project of a public
 6 building can be retrofitted to include clean renewable energy technology primarily based on
 7 whether the project is cost effective as defined in this Subsection. Other factors may include, but
 8 not be limited to: the cost to the County, safety and security concerns, the cost savings from the
 9 installation, clean energy job creation, clean renewable energy technology capacity of the
 10 building, the environmental benefits, technological feasibility, and zoning regulations.

11 (b) If the Purchasing Agent determines that installing clean renewable energy technology
 12 on a new or major renovation public building project is not feasible, the Purchasing Agent shall
 13 transfer expenditures from the project equivalent to two percent (2%) of the projected total cost
 14 for use in another applicable project, unless no applicable projects exist in the Capital
 15 Improvement Program pursuant to Subtitle 2, Division 42. Fund transfers between projects
 16 under this Section shall be approved by resolution of the County Council and the funds
 17 transferred between projects shall remain in the appropriated tier of the new or major renovation
 18 public building project.

19 **Sec. 10A-158.06. Alternative financing.**

20 (a) Alternative financing arrangements to allow leveraging of federal, state, utility and
 21 other incentives, including but not limited to grants, lease-purchase agreements, power purchase
 22 agreements or energy savings performance contracts, qualify to meet the clean renewable energy
 23 technology requirement under this Subdivision.

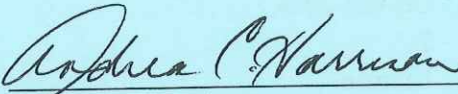
24 (b) The purchase of Renewable Energy Credits ("RECs") does not constitute compliance
 25 with the requirements of this Subdivision.

26 SECTION 3. BE IT FURTHER ENACTED that this Act shall apply to all new or major
 27 renovation public building projects that have not been issued a Detailed Site Plan or Specific
 28 Design Plan or started design before January 1, 2014.

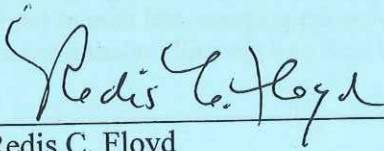
29 SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
 30 calendar days after it becomes law.

Adopted this 19th day of November, 2013.

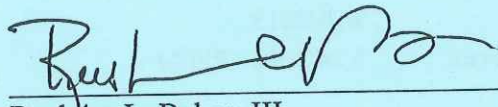
COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: 
Andrea C. Harrison
Chair

ATTEST:


Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: 12-4-2013 BY: 
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

Prince George's County Council Agenda Item Summary

Meeting Date: 10/22/2013
Reference No.: CB-083-2013
Draft No.: 3
Proposer(s): Lehman
Sponsor(s): Lehman, Franklin, Toles, Olson, Davis
Item Title: An Act concerning Clean Renewable Energy Technology in Public Buildings for the purpose of requiring clean renewable energy technology in the construction or major renovation of public buildings; defining clean renewable energy technology; providing for a clean renewable energy technology project feasibility assessment by the Purchasing Agent; establishing a Clean Renewable Energy Fund; specifying the purposes and uses of the Fund; providing for the financing and administration of the Fund; and generally relating to clean renewable energy technology.

Drafter: Colette R. Gresham, Legislative Officer
Resource Personnel: Matthew A. Dernoga, Policy Analyst District 1

LEGISLATIVE HISTORY:

Date Presented:	9/24/2013	Executive Action:	12/4/2013 S
Committee Referral:	9/24/2013 - PSFM	Effective Date:	1/21/2014
Committee Action:	10/17/2013 - NR(A)		
Date Introduced:	10/22/2013		
Public Hearing:	11/19/2013 - 10:00 AM		
Council Action (1)	11/19/2013 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

10-308, 10-309, 10-310, 10-311, 10-312, 10A-158.03, 10A-158.04, 10A-158.05, 10A-158.06

COMMITTEE REPORTS:

Public Safety and Fiscal Management

Date 10/17/2013

REPORT: COMMITTEE VOTE: No Recommendation as amended 3-0 (Councilmembers: Toles, Franklin, and Lehman)

This bill will require clean renewable energy technology in the construction of a new public building or the major renovation of a public building. Clean renewable energy technology is defined as geothermal heating and cooling, solar hot water, wind, solar electricity generation, solar thermal generation or passive solar energy. The new or major renovation public building project shall have installed one kilowatt of clean renewable energy technology for every 1,000 square feet of gross floor area. The Purchasing Agent is required to perform a feasibility assessment for clean renewable energy technology for each project. If the Purchasing Agent determines that installing clean renewable energy technology on a new or major renovation public building project is not feasible, expenditures from the project

equivalent to 2% of the projected total cost shall be transferred to the Clean Renewable Energy Fund established under the bill. Staff gave an overview of the Proposed Draft 2 which removes the establishment of a Fund but would provide for a Clean Renewable Energy Technology Program; that every appropriation for a County public building or major renovation shall include an additional appropriation of 2% to the projected total cost funded by the County, as shown in the County's Capital Improvement Program; and if the purchasing agent determines that the project is not feasible the expenditures from the project equivalent to 2% of the projected total cost shall be transferred for use in another applicable project. The bill sponsor stated that CB-83-2013 will have long-term energy cost savings and reduce greenhouse emissions. The Committee heard testimony in support from Sky Hennessy; Gary Allen, Executive Director, Chesapeake Communities; David Bosh, Riverdale Park Town Council; and representatives from the Sierra Club. Letters of support were received from the Greenbelt Climate Action Network, Ross Salawitch, Organizing for Action Prince George's County Chapter, and the Maryland, DC, and Virginia Solar Energy Industries Association. Lisa Jackson, County Executive's Office, stated that the Executive is in support of the bill. The Committee discussed the importance of ensuring that an investment in clean energy is cost-effective, ensuring the equitable application of the law so established communities can benefit, the appropriate cut-off date for projects to ensure CIP projects currently underway are not delayed and whether the Prince George's Community College's building projects may be included under this bill.

The Office of Central Services submitted a response on October 18, 2013 to the issues by the Committee during the Committee work session.

The Office of Law has reviewed this legislation and finds it to be in proper legislative form with no legal impediments to its enactment.

The enactment of CB-83-2013 should not have an adverse fiscal impact on the County.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

The proposed legislation will require clean renewable energy technology in the construction of a new public building or the major renovation of a public building. The new or major renovation public building project shall have installed one kilowatt of clean renewable energy technology for every 1,000 square feet of gross floor area. The legislation will require a project feasibility assessment for clean renewable energy technology by the Purchasing Agent. The legislation would also establish a Clean Renewable Energy Fund.

10/22/2013 - CB-83-2013 (DR-2) was amended on the floor prior to introduction; CB-83-2013 (DR-3) was introduced.

CODE INDEX TOPICS:

INCLUSION FILES:
