

Intro No. 62  
Date 2/21/19  
Reviewed by (LWS)  
Co. Attorney  
Date 2/6/19

**RESOLUTION**  
**BROOME COUNTY LEGISLATURE**  
BINGHAMTON, NEW YORK

Permanent No. 2019-111  
Date Adopted 2/21/2019  
Effective Date 2/6/19

**Sponsored By:** County Administration and Public Works & Transportation Committees

**Seconded By:** Hon. Stephen J. Flagg

**RESOLUTION ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR BROOME COUNTY BUILDINGS AND FACILITIES**

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings for the exact same building use, and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the County of Broome would be able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement, and

WHEREAS, the Broome County Legislature desires to use Building Energy Benchmarking, a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the County of Broome, and

WHEREAS, the Broome County Legislature desires to establish procedures or guidelines for Broome County to conduct such Building Energy Benchmarking, now, therefore, be it

RESOLVED, that the following specific policies and procedures are hereby adopted, and that said policies and procedures shall be reviewed by the Broome County Legislature every two years:

**BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

**§1. DEFINITIONS**

- (1) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.
- (2) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.
- (3) "Commissioner" shall mean the head of the Department.
- (4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Broome County Government that is 1,000 square feet or larger in size.
- (5) "Department" shall mean the Department of Public Works, Parks, Recreation and Youth Services.
- (6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses

Intro No. 102  
Date 2/21/19  
Reviewed by  
Co. Attorney \_\_\_\_\_

**RESOLUTION**  
**BROOME COUNTY LEGISLATURE**  
BINGHAMTON, NEW YORK

Date \_\_\_\_\_ in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(10) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(11) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(12) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

**§2. APPLICABILITY**

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

**§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS**

(1) No later than May 1, 2019, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

**§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION**

(1) The Department shall make available to the public on the Broome County website Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2019 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the Broome County website and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

Intro No. 62  
Date 2/21/19  
Reviewed by  
Co. Attorney \_\_\_\_\_  
Date \_\_\_\_\_

**RESOLUTION**  
**BROOME COUNTY LEGISLATURE**  
BINGHAMTON, NEW YORK

Permanent No. 2019-111  
Date Adopted 2/21/2019  
Effective Date 2/22/19

- (b) For each Covered Municipal Building individually:
- (i) The status of compliance with the requirements of this Policy; and
  - (ii) The building address, primary use type, and gross floor area; and
  - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
  - (iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

**§5. MAINTENANCE OF RECORDS**

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

**§6. ENFORCEMENT AND ADMINISTRATION**

- (1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.
- (2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.
- (3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Broome County Legislature and Broome County Executive including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

**§7. EFFECTIVE DATE**

This policy shall be effective immediately upon passage.

**§8. SEVERABILITY**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

COUNTY OF BROOME ) ss.  
STATE OF NEW YORK )

I, the undersigned, Clerk of the Legislature of the County of Broome, DO HEREBY CERTIFY that the above is an original resolution of such Legislature duly adopted on the 21<sup>st</sup> day of February 2019, by a majority of the members elected to the Legislature of said County at a regular meeting of said Legislature.

I FURTHER CERTIFY that at the time said resolution was adopted said Legislature was comprised of fifteen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 22<sup>nd</sup> day of February, 2019.

Date sent to County Executive February 22, 2019.

Approved [Signature]  
County Executive

[Signature]  
Clerk, County Legislature  
County of Broome

Date 2/22, 2019

REGULAR SESSION OF FEBRUARY 21, 2019

\*62-111 RESOLUTION ESTABLISHING ENERGY BENCHMARKING REQUIREMENTS FOR BROOME COUNTY BUILDINGS AND FACILITIES

*Flagg*

Seconded by:		Recall to Amend	Adopt as Amended		
Pre filed amendment		Table to date			
Amend		Hold over			
Call the Question	Suspend the Rules		AYE	NAY	ABSTAIN
DISTRICT	LEGISLATOR				
13	Bob Weslar		✓		
2	Scott D. Baker		✓		
8	Jason E. Shaw		✓		
4	Daniel D. Reynolds		✓		
6	Greg W. Baldwin		✓		
9	Matthew J. Hilderbrant		✓		
10	Cindy O'Brien		✓		
7	Matthew J. Pasquale		✓		
1	Stephen J. Flagg		✓		
14	Mary A. Kaminsky		✓		
12	Richard R. Balles		✓		
3	Kelly F. Wildoner		✓		
15	Mark R. Whalen		✓		
11	Susan V. Ryan		✓		
5	Daniel J. Reynolds		✓		
	TOTAL		15		

Full Roll Call - CJP, Budget Appropriations, Local Laws; 3/5 (or 9) Veto Override; 2/3 (or 10) Suspend the Rules, Abstain, Rescind, Reconsider Defeated Motion, Vetoes Local Law