

**MEMORANDUM**

TO: Transportation, Infrastructure, Energy and Environment Committee

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*  
Michael Faden, Senior Legislative Attorney

SUBJECT: **Worksession:** Bill 9-14, Environmental Sustainability – Renewable Energy – County Purchase

Bill 9-14, Environmental Sustainability – Renewable Energy – County Purchase, sponsored by Councilmember Berliner, Council Vice President Leventhal, and Councilmembers Floreen, Riemer, Andrews, and Navarro, was introduced on January 28, 2014. A public hearing was held by the Committee on February 11. At the hearing, a representative of the Executive expressed the Executive's general support for the package of environmental initiatives (©5). Council staff will transmit any specific comments on these bills from the Executive when they are received.

Bill 9-14 would require that 50% of the County's electric power usage be supplied with renewable energy by Fiscal Year 2015 and 100% by 2020.

Councilmember Berliner explained the purpose of this Bill in his January 14 memorandum describing his proposed energy/environmental package. See ©5 of Bill 4-14, T&E Item 1.

The Fiscal and Economic Impact statement for this Bill will be transmitted after March 17 (see ©4).

**Issue for Committee Discussion**

***When should Bill 9-14 take effect?*** As drafted, Bill 9-14 would require that 50% of the County's electric power usage be supplied with renewable energy by FY 2015, which begins in less than 5 months. Committee members may wish to discuss with Executive staff whether this date is feasible or if the bill should be amended to require 50% renewable energy to be supplied beginning in FY 2016.

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Bill No. 9-14  
Concerning: Environmental Sustainability  
- Renewable Energy - County  
Purchase  
Revised: 1/9/2014 Draft No. 1  
Introduced: January 28, 2014  
Expires: July 28, 2015  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Councilmember Berliner, Council Vice President Leventhal, and Councilmembers Floreen,  
Riemer, Andrews, and Navarro

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**AN ACT** to:

- (1) require that at least 50% of the County's electric power usage be supplied with renewable energy by Fiscal Year 2015;
- (2) require that 100% of the County's electric power usage be supplied with renewable energy by Fiscal Year 2020; and
- (3) generally amend County law on environmental sustainability.

By adding

Montgomery County Code  
Chapter 18A, Environmental Sustainability  
Section 18A-11A

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 18A-11A is added as follows:**

2    **18A-11A. Renewable Energy.**

3           **(a) Purchase of renewable energy.**

4           (1) The County Executive must assure that at least 50% of the  
5           County's total annual electric power usage will be supplied by  
6           renewable energy, beginning in Fiscal Year 2015.

7           (2) The County Executive must assure that 100% of the County's  
8           total annual electric power usage will be supplied by renewable  
9           energy, beginning in Fiscal Year 2020.

10          **(b) Criteria for renewable energy purchases.** The renewable energy  
11          purchased under subsection (a) must:

12          (1) be generated from an energy source defined as a Tier 1 renewable  
13          source in Section 7-701 of the Public Utilities Article of the  
14          Maryland Code or any successor provision;

15          (2) qualify as green power as defined by the United States  
16          Environmental Protection Agency;

17          (3) not be included in a supplier's renewable portfolio standard  
18          requirement for any year or supplant clean energy purchased to  
19          comply with either federal law or the law of states other than  
20          Maryland; and

21          (4) be registered and tracked in a regional tracking system.

22          **(c) On-site clean energy generation.** The County may satisfy the  
23          requirement of subsection (a) through on-site clean energy generation.

24          The County must retain ownership of each on-site project's renewable  
25          energy certificates and must meet all other requirements of this Section.

26          The County may exchange the renewable energy certificates for  
27          certificates from an alternate source that complies with this Section.

## LEGISLATIVE REQUEST REPORT

Bill 9-14

### *Environmental Sustainability – Renewable Energy – County Purchase*

**DESCRIPTION:** Would require 50% of the County's electric power usage be supplied with renewable energy by Fiscal Year 2015 and 100% by 2020.

**PROBLEM:** The County has low standards for the use of renewable electric supplies.

**GOALS AND OBJECTIVES:** To eventually make the County's power supply entirely from renewable sources.

**COORDINATION:** Department of General Services, Office of Management and Budget, Department of Environmental Protection

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Amanda Mihill, 240-777-7815

**APPLICATION WITHIN MUNICIPALITIES:** To be researched.

**PENALTIES:** Not applicable.



ROCKVILLE, MARYLAND

MEMORANDUM

February 5, 2014

TO: Craig Rice, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget  
Joseph F. Beach, Director, Department of Finance

SUBJECTS: Bill 2-14, Environmental Sustainability – Buildings – Benchmarking  
Bill 3-14, Buildings – Energy Efficiency – Energy Standards  
Bill 4-14, Street and Roads – County Street Lights  
Bill 5-14, Environmental Sustainability – Social Cost of Carbon Assessments  
Bill 6-14, Environmental Sustainability - Office of Sustainability – Established  
Bill 7-14, Contracts and Procurement – Certified Green Business Program  
Bill 8-14, Buildings – County Buildings – Clean Energy Renewable Technology  
Bill 9-14, Environmental Sustainability – Renewable Energy – County Purchase  
Bill 10-14, Buildings – Solar Permits – Expedited Review  
Bill 11-14, Buildings – Electric Vehicle Charging Station Permits – Expedited Review

As required by Section 2-81A of the County Code, we are informing you that transmittal of the fiscal and economic impact statements for the above referenced legislation will be delayed because more time is needed to coordinate with the affected departments, collect information, and complete our analysis of the fiscal and economic impacts. While we are not able to conduct the required detailed analyses at this time, it is clear that a number of these bills could have significant fiscal impacts.

Due to this year's heavy workload on Executive branch staff in developing both a full capital budget and an operating budget, the fiscal and economic statements will be transmitted after March 17, 2014.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer  
Lisa Austin, Offices of the County Executive  
Joy Nurmi, Special Assistant to the County Executive  
Patrick Lacefield, Director, Public Information Office  
Marc P. Hansen, Office of the County Attorney  
Robert Hagedoorn, Department of Finance  
David Platt, Department of Finance  
Alex Espinosa, Office of Management and Budget  
Mary Beck, Office of Management and Budget  
Naeem Mia, Office of Management and Budget  
Felicia Zhang, Office of Management and Budget

# TESTIMONY ON BEHALF OF COUNTY EXECUTIVE ISIAH LEGGETT

## ON ENVIRONMENTAL AND SUSTAINABILITY PACKAGE

**Bills 2-14, 3-14, 4-14, 5-14, 6-14, 7-14, 8-14, 9-14, 10-14, 11-14, 12-14**

**February 11, 2014**

Good evening Council President Rice and members of the County Council. My name is Bonnie Kirkland and I am pleased to be here on behalf of County Executive Isiah Leggett to testify on the package of environmental and sustainability measures introduced on February 4, 2014 by Councilmember Berliner and others. Mr. Leggett supports Councilmember Berliner's initiative and the Council's efforts to address the need for more sustainable development in Montgomery County. Following up on recommendations from the Sustainability Workgroup, this package of renewable energy, energy efficiency and sustainability measures will take the County to the next level of environmental excellence.

Sustainable development has been defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.<sup>1</sup> The path forward requires understanding and planning: understanding how existing buildings perform and how planned buildings are expected to perform; and designing buildings and other infrastructure that reduce materials consumption, reuse materials, reduce energy consumption and maximize the use of renewable resources.

County Executive Leggett recognizes that the path forward will involve substantial change and commitment on the part of both the public sector and the private sector. He is committed to working with the Council on this package during the coming weeks to develop the most progressive and reasonable legislation achievable that will balance both the compelling need to achieve sustainable development and the budgetary realities faced by the County and our local businesses to fully implement the approved changes the legislative package requires.

Stewardship for future generations has been a cornerstone of Mr. Leggett's Smart Growth Initiative in terms of planning for future growth at appropriate transit oriented locations. The County Executive applauds Councilmember Berliner's and the sponsoring council members' vision and recognition of the need for stewardship of our precious resources for future generations.

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<sup>1</sup> International Institute for Sustainable Development quoting from the World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.