

RESOLUTION NO. A-_____

1 WHEREAS, the City of Lincoln has recognized a growing need for replacing aging and
2 failing equipment and systems in some of its facilities, and that outdated equipment results in a
3 higher cost of operation than is prudent; and

4 WHEREAS, the ongoing maintenance and replacement of equipment and infrastructure
5 is critical for public safety and the City's mission to provide services to its citizens; and

6 WHEREAS, energy financing contracts (as defined in Neb. Rev. Stat. section 66-1063)
7 are permitted by Neb. Rev. Stat. section 66-1062 that would allow the City of Lincoln to engage
8 energy service companies to design, install, and construct energy saving equipment, systems,
9 and facilities that will reduce both the cost to the taxpayer for utilities and carbon emissions; and

10 WHEREAS, energy financing contracts, pursuant to state law, include guaranteed
11 project cost caps and savings on utility and operational costs by the energy service company;
12 and

13 WHEREAS, the City of Lincoln has, through a competitive process, qualified five
14 companies to perform energy saving projects; and

15 WHEREAS, the City Council wishes to authorize the Mayor to execute contracts with
16 energy service companies that have a payback period of not more than fifteen years on any
17 building or operation that has a useful life of twenty years or more.

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln,
19 Nebraska:

20 That the Mayor is authorized to execute energy financing contracts that are funded
21 through sources approved or appropriated by the City Council for the design, installation, and
22 construction of equipment, systems and facilities designated as "energy conservation
23 measures" (ECMs) as defined in Neb. Rev. Stat. section 66-1062 that are compliant with the
24 conditions set forth herein.

1 That any such energy financing contract shall be in compliance with Neb. Rev. Stat.
2 sections 66-1062 to 66-1066 and only contractors found to be qualified shall be permitted to
3 contract for such work.

4 That any such energy financing contract shall be on terms that demonstrate savings
5 equal to the investment in design, installation, and construction that will be recovered over a
6 period of not more than fifteen years for each building or operation. Individual ECMs may
7 demonstrate payback of more than fifteen years as long as the overall contract for all included
8 ECMs for a building or operation shall not exceed fifteen years.

9 The Mayor is authorized to make such amendments to any energy financing contract as
10 may be deemed appropriate; provided such amendments comply with the restrictions and
11 requirements set forth herein.

12 That sources of funding for all such energy financing contracts shall be approved by the
13 City Council by prior appropriations, new appropriations, or other funding methods approved by
14 the City Council.

15 That additional qualified contractors may be added to the list of contractors authorized to
16 perform energy financing contracts through a competitive procurement process. That energy
17 saving equipment or facilities necessary for compliance with applicable health, safety, and
18 environmental laws may be procured without regard to limitations on time for savings returns.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2018: _____ Mayor
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