

---

**VILLAGE OF AVOCA  
RESOLUTION 2023-03  
CEC BENCHMARK**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF AVOCA, establishing energy benchmark requirements for the Village of Avoca,

**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 Village of Avoca is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

**WHEREAS**, the Board of Trustees for the Village of Avoca 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 Village of Avoca; and

**WHEREAS**, the Board of Trustees for the Village of Avoca desires to establish procedure or guideline for the Village of Avoca staff to conduct such Building Energy Benchmarking; and

**NOW, THEREFORE BE IT RESOLVED BY THE** Board of the Village of Avoca, Steuben County, New York, that the following specific policies and procedures are hereby adopted;

**BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES**

**§1. DEFINITIONS**

1. "Benchmarking Information" shall mean information generated by the 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. "Department Head" shall mean the head of any Department.
  4. "Covered Municipal Building" shall mean any building or facility that is owned or occupied by the Village of Avoca that is 1,000 square feet or larger in size.
  5. "Department" shall mean any department, to include the Street and Fire Departments.
  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 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 the 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 Board of Trustees may exempt a particular Covered Municipal Building from the benchmarking requirement if the Board of Trustees determines that it has characteristics that make benchmarking impractical.

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

1. No later than July 1, 2024, and no later than July 1 every year thereafter, the Mayor or the Village Clerk 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 Mayor or the Village Clerk begin inputting data in the following year.

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

1. The Village Clerk shall make available to the public on the internet Benchmarking Information for the previous calendar year no later than September 1, 2024 and by September 1 of each year thereafter for Covered Municipal Buildings; and
-

- 
2. The Village Clerk shall make available to the public on the internet 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
    - b. For each Covered Municipal Building individually:
      - i. The status of compliance with the requirements of this Policy;
      - 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;
      - 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**

1. The Village Clerk 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 department heads. Such records shall be preserved by the Village of Avoca for a period of three (3) years.

## **§6. ENFORCEMENT AND ADMINISTRATION**

1. The Mayor or his or her designee from Board of Trustees 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 Board of Trustees 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**

1. This policy shall be effective immediately upon passage.

## **§8. SEVERABILITY**

---

- 
1. 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.

The motion having been duly seconded, it was adopted and the following votes were cast:

<u>Name</u>	<u>AYE</u>	<u>NAY</u>	<u>Absent/ Abstain</u>
Mayor Eric R. Tyner	_____	_____	_____
Trustee Andrew Hubbard	_____	_____	_____
Trustee Lannie Gay	_____	_____	_____
Trustee Donald Rodbourn	_____	_____	_____
Trustee Marcia Rowe-Smalt	_____	_____	_____

Dated: August 10, 2023,

By the order of the Board of Trustees of the Village of Avoca, Steuben County, New York.

IN WITNESS WHEREOF, the Village of Avoca caused this Resolution to be signed by its Village Clerk, and its corporate seal to be hereunto affixed and attested by its own Village Clerk and to be dated as of the 10<sup>th</sup> day of August, 2023.

VILLAGE OF AVOCA

SEAL

By: \_\_\_\_\_  
Christine Haar, Village Clerk

ATTEST: \_\_\_\_\_  
Christine Haar, Village Clerk

---