

ORDINANCE NO. 20-2020  
(As Amended)

Amending Ordinance No. 45-2019 (As Amended) to Adjust the Annual Budget by Providing for an Appropriation from the Capital Improvements Fund Unappropriated Balance to Pay the Cost of Phase II Energy Conservation Measures, Authorize the Execution of Agreements with ABM Technical Solutions, LLC, and Determine to Proceed with the Project. (Project No. 695-19)

WHEREAS, City Council is authorized under Ohio Revised Code Section 717.02 to select a vendor for the purposes of developing an energy conservation report and to enter into a contract to the selected vendor to install the energy conservation measures; and,

WHEREAS, ABM Technical Solutions, LLC was selected by City Council in Ordinance Number 40-2017 to develop an energy conservation report; and,

WHEREAS, as a result of the energy conservation report, Council determined to undertake capital projects consisting of, but not limited to, all or some of the following: a guaranteed energy savings and conversion project, including the planning, design, purchase, acquisition, installation, construction, equipping and furnishing of energy savings repairs, renovations, upgrades and improvements to buildings and facilities operated by the City of Worthington as funds are available to undertake and complete (the “*Project*”); and,

WHEREAS, the City entered into an energy savings guarantee agreement and a Bundled Energy Solutions Project Agreement with ABM Technical Solutions, LLC for certain energy conservation measures, including HVAC and lighting improvements, at the Community Center, Griswold Senior Center, and Fire Station (the “*Phase I Energy Conservation Measures*”); and,

WHEREAS, ABM Technical Solutions, LLC has successfully completed the Phase I Improvements and is prepared to proceed with the next phase of the Project focused on energy conservation measures, including HVAC improvements, for the Police Station (the “*Phase II Energy Conservation Measures*”); and,

WHEREAS, staff is recommending that City Council authorize the City Manager to enter into an energy savings guarantee agreement and an amendment to the Bundled Energy Solutions Project Agreement with ABM Technical Solutions, LLC for the Phase II Energy Conservation Measures in the amount of \$844,964; and,

WHEREAS, the proposed Phase II Energy Conservation Measures will result in estimated cost avoidance in energy, maintenance, voided capital costs, and operating expenses in the amount of \$853,019 over 20 years; and,

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WHEREAS, the Charter of the City of Worthington, Ohio, provides that City Council may at any time amend or revise the Budget by Ordinance, providing that such amendment does not authorize the expenditure of more revenue than will be available;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Municipality of Worthington, County of Franklin, State of Ohio:

SECTION 1. That there hereby is appropriated from the Capital Improvements Fund Unappropriated Balance to Police Building Modifications - Account No. 308.8130.533424 the sum of Nine Hundred Thirty Thousand Dollars (\$930,000), which includes a 10% contingency, to pay the cost of the Phase II Energy Conservation Measures and all related expenses (Project 695-19).

SECTION 2. That the City Manager hereby is authorized and directed to enter into an energy savings guarantee agreement and an amendment to the Bundled Energy Solutions Project Agreement with ABM Technical Solutions, LLC for the Phase II Energy Conservation Measures.

SECTION 3. For the purposes of Section 2.21 of the Charter of the City, this ordinance shall be considered an "Ordinance Determining to Proceed" with Phase II of the Project, notwithstanding future actions of this Council, which may be necessary or appropriate in order to comply with other requirements of law.

SECTION 4. That notice of passage of this Ordinance shall be posted in the Municipal Administration Building, the Worthington Library, the Griswold Center and the Worthington Community Center and shall set forth the title and effective date of the Ordinance and a statement that the Ordinance is on file in the office of the Clerk of Council. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and by the Charter of the City of Worthington, Ohio.

Passed June 15, 2020

/s/ Bonnie D. Michael  
President of Council

Attest:

/s/ D. Kay Thress  
Clerk of Council

Introduced June 1, 2020  
P.H. June 15, 2020  
Effective July 8, 2020