

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 3

### Bill No. 10-2020

Introduced by: The Chairperson at the request of the County Executive

AN ACT pursuant to Section 612 of the Howard County Charter, approving a multiyear Renewable Energy Power Purchase Agreement between Howard County, Maryland and KDC Solar Maryland, LLC or an affiliate entity for the purchase of electric power for a term of twenty-five years, with the option for renewals; authorizing the County Executive to take certain actions in connection with the Agreement.

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Introduced and read first time \_\_\_\_\_, 2020. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2020.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

This Bill was read the third time on \_\_\_\_\_, 2020 and Passed \_\_\_\_, Passed with amendments \_\_\_\_, Failed \_\_\_\_.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for his approval this \_\_\_\_ day of \_\_\_\_\_, 2020 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2020.

\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1           **WHEREAS**, to obtain 20% of the electricity for local government operations with  
2 distributed, renewal energy generation by 2024; and

3  
4           **WHEREAS**, County is the owner of certain real property that is suitable for the  
5 installation of rooftop, parking canopy, and ground-based solar facilities to assist in the  
6 reduction of the County’s use of fossil fuels; and

7  
8           **WHEREAS**, the Maryland Department of Transportation (“MDOT”) conducted a  
9 procurement in 2017 to select qualified contractors to design, construct, commission, finance,  
10 operate and maintain renewable energy facilities at locations in Maryland (the “MDOT  
11 RFP”); and

12  
13           **WHEREAS**, KDC Solar LLC, a Delaware limited liability (“KDC”), was one of the  
14 qualified contractors selected pursuant to the MDOT RFP; and

15  
16           **WHEREAS**, the County issued a Task Order Request for Proposals in 2019 to the  
17 contractors approved to perform work pursuant to the MDOT RFP (the “County TORFP”);  
18 and

19  
20           **WHEREAS**, the County selected KDC to evaluate, design, finance, construct,  
21 commission, own, operate, maintain and decommission rooftop, parking canopy, and ground-  
22 mounted turn-key solar photovoltaic systems, with no capital investment by the County, at  
23 County-owned sites and at sites owned or controlled by KDC; and

24  
25           **WHEREAS**, the County desires that KDC design, construct, operate, maintain, and  
26 decommission Renewable Energy solar photovoltaic electric generating facilities (Solar  
27 Facilities” and, individually, “Solar Facility”) comprised of the integrated assembly of  
28 photovoltaic panels and associated assemblies and materials at the County-owned sites and  
29 the KDC sites for the sole purpose of providing Renewable Energy to the County pursuant to  
30 a Renewable Energy Power Purchase Agreement, attached as Exhibit 1; and

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1           **WHEREAS**, KDC plans to build and operate at least eight (8) Solar Facilities at  
2 County Sites, including the new Howard County Circuit Court House, the Carrs Mill Landfill,  
3 the new East Columbia 50+ Center and Library; and  
4

5           **WHEREAS**, in addition to the County Sites, other real property neither owned nor  
6 controlled by the County may be used by KDC to host Solar Facilities; and  
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8           **WHEREAS**, the County agrees to permit KDC to use the County Sites and KDC  
9 agrees to use KDC Sites for hosting the Solar Facilities, and the Parties agree that the Solar  
10 Facilities is for the beneficial use of the County, including but not limited to the use of  
11 Renewable Energy generated by the Solar Facilities; and  
12

13           **WHEREAS**, KDC desires to sell, and the County, desires to purchase, up to  
14 50,000,000 kWh (kilowatt hours) per year of Renewable Energy from the Solar Facilities at  
15 a price of \$ 0.07391 per kWh, pursuant to the terms and conditions set forth in the Renewable  
16 Energy Power Purchase Agreement, for a term of twenty-five years with options for renewals;  
17 and  
18

19           **WHEREAS**, the County expects to save at least \$953,000 over the term of the  
20 Renewable Energy Power Purchase Agreement; and  
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22           **WHEREAS**, pursuant to Code of Maryland Administrative Regulations Title 20,  
23 Subtitle 50, Chapter 10, all of the Renewable Energy generated by the Solar Facilities will be  
24 credited against the County's costs for electricity across all County facilities via net metering  
25 and virtual net metering as detailed in an Interconnection Agreement with the County's  
26 current electricity provider; and  
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28           **WHEREAS**, the Renewable Energy Power Purchase Agreement requires the  
29 payment by the County of funds from an appropriation in a later fiscal year and therefore  
30 requires County Council approval as a multi-year agreement pursuant to Section 612 of the  
31 Howard County Charter.

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**NOW, THEREFORE,**

*Section 1. Be It Enacted by the County Council of Howard County, Maryland, that, in accordance with Section 612 of the Howard County Charter, it approves the it approves the purchase of up to 50,000,000 kWh of Renewable Energy generated by Solar Facilities located at County sites and other sites, in a Renewable Energy Power Purchase Agreement between Howard County, Maryland and KDC Solar Maryland, LLC substantially in the form attached as Attachment 1.*

*Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that the County Executive is authorized to enter into a Renewable Energy Power Purchase Agreement to purchase up to 50,000,000 kWh of Renewable Energy power from Solar Facilities located on County sites and other sites, at a price of \$ 0.07391 per kWh for a term of twenty-five years with options for renewals in the name of and on behalf of the County.*

*Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that the County Executive, prior to execution and delivery of the Renewable Energy Power Purchase Agreement, may negotiate such changes or modifications to the Agreement as he deems appropriate in order to accomplish the purpose of the transaction authorized by this Act, provided that such changes or modifications shall be within the scope of the transaction authorized by this Act; and the execution of the Agreement by the County Executive shall be conclusive evidence of the approval by the County Executive of all changes or modifications to the Agreement , and the Agreement shall thereupon become binding on the County in accordance with its terms.*

*Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective immediately upon its enactment.*