

**EXECUTIVE ORDER NO: 72**

**TO: ALL AGENCIES UNDER THE MAYOR**

**FROM: MAYOR JOHN HICKENLOOPER**

**DATE: NOVEMBER 13, 2008**

**SUBJECT: UTILITIES AND UTILITY SERVICES**

**Purpose**

This Executive Order establishes the policy of the City and County of Denver as to the Provisioning, Conservation, and Efficiency of Utility Services used in City facilities or for other City operations. This executive order does not supersede the authorities established in ordinance 342 series of 2006, the franchise agreement between Public Service Company of Colorado and the City and County of Denver. Attachments to the franchise agreement include the operating agreement, the street lighting agreement, the low income energy assistance and energy conservation contribution agreement and the operating agreement for Denver International Airport. Certain responsibilities included in the franchise agreement have been delegated by the Manager of Public Works to the Department of General Services. These responsibilities include billing and payment as it relates to City buildings, conservation as it relates to City buildings, lighting periods and rates and streetlight burnout rate. In addition, the Manager of Public Works has requested assistance from the Department of General Services in the following areas: utility service to City facilities as it relates to City buildings, emergencies as it relates to City buildings and energy efficiency as it relates to City buildings.

Executive Order 20, Payment of Water and Sewage Bills, dated March 30, 1971; Executive Order 72, Control of Centralized Utilities and Utility Services, dated March 30, 1971; and Executive Order 120, Conservation and Energy Policy dated February 5, 1980 and their attachments and Memoranda are canceled and superseded by this Executive Order No.72.

- 1.0 **Applicable Authority:** The applicable authority relevant to the provisions and requirements of this Executive Order 72 is found in Section 2.2.10 of the 2002 Revised Charter.
- 2.0 **Definitions:**
  - 2.1 **Utility Service:** Refers to and includes, but is not limited to, the furnishing, supplying, and delivery of electricity, natural gas, steam, chilled water, water, sanitary sewer and storm drainage.
  - 2.2 **Utility Service Conservation:** Refers to the minimization in Utility Service requirements at City Facilities during any selected time period, with City services held constant.
  - 2.3 **Utility Service Efficiency:** Refers to increases in Utility Service Conservation, reduced demand or improved load factors resulting from hardware, equipment,

devices, or practices that are in use at City Facilities. Utility Service Efficiency measures can include fuel switching.

- 2.4 **Provisioning:** Refers to the identification, negotiation, acquisition, delivery, use, monitoring, and payment Utility Service, including both regulated and unregulated Utility Services.
- 2.5 **City Facilities:** Refers to all property owned or controlled by the City including City buildings, unless specifically excluded in Memorandum No. 72A, which is attached to this Executive Order.
- 3.0 **Mission:** The Department of General Services shall ensure reliable and seamless provisioning of Utility Services to all City Facilities. General Services shall pursue and coordinate Utility Service Conservation and Utility Service Efficiency matters for all City agencies, except those where management is specifically assigned by Charter, Ordinance, or by order of the Mayor to another department or agency
- 4.0 **Exemptions:** In addition to exemptions granted by Charter, Ordinance, or by order of the Mayor, the Manager of General Services (or designee) may, at their discretion, exempt certain City Facilities or Utility Services within a City Facility from payment, oversight or control by the Department of General Services and or other requirements set forth in this Executive Order. The Manager of General Services shall maintain a current list of City Facilities and Utility Services that have been granted exemption and such list shall be attached as Memorandum 72A, which is attached to this Executive Order. Any agency or department granted an exemption or exclusion from payment or oversight by the Department of General Services shall, nonetheless, coordinate with General Services and participate in leveraging the City's aggregate position to the benefit of all City agencies and departments.
- 5.0 **Utility Service Payment Responsibilities:**
  - 5.1 The Department of General Services will pay for Utility Services used in City Facilities, for area lights, street lights and traffic signals, unless specifically excluded in Memorandum No. 72A, which is attached to this Executive Order.
  - 5.2 The Department of General Services will pay for water and sewage usages in and around City Facilities. All such accounts shall be centralized in General Services . Payment of water and sewer billings shall be current in the year the charges were incurred.
- 6.0 **Utility Acquisitions:** The Department of General Services is responsible for identifying and negotiating Utility Service in order to meet the City's needs. The Department of General Services shall assist the Purchasing Division in developing specifications and assessment criteria for competitive bids for Utility Services and/or products conducted by that Division. The Department of General Services shall support the City's Purchasing Division in the development and implementation of procurement standards for Utility Service related equipment, goods and services.

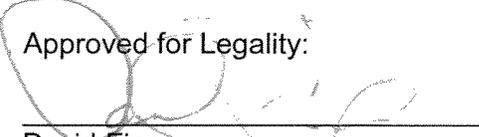
- 7.0 **Financial Responsibilities:** Each agency or department is financially responsible for any charges for products or services beyond Utility Service consumption, including but not limited to meters, meter set charges, transformers, conduits, pipes, maintenance, and one time installation charges. Agency or Department heads, unless otherwise exempted, are responsible to review their requirements and notify the Department of General Services in a timely fashion when any Utility Service changes are needed. The Department of General Services will direct providers and suppliers and approve all new services, disconnections, and changes through those suppliers. The procedure for handling agency or department service requests requires the agency or department head or designee to submit in writing such request. Requests will include all information necessary to determine what is needed, why it is needed, and when it is needed.
- 8.0 **Energy Conservation and Efficiency:** It shall be the policy of the City to improve energy conservation and efficiency and pursue renewable energy projects and programs as set forth in Executive Order 123. General Services will work in conjunction with GreenPrint Denver, in developing and managing policies and programs for the City's energy conservation, efficiency, and renewable energy programs and managing the relationships with governmental and quasi-governmental entities as set forth in Executive Order 123. General Services will also work in conjunction with GreenPrint Denver to develop and enforce conservation and efficiency standards for implementing conservation philosophy and practices in all construction, reconstruction and remodeling, as well as in the operation of City Facilities.
- 9.0 **Department/Agency Participation:** The Department of General Services, in conjunction with other agencies, departments and Greenprint Denver, shall publicly promote and advertise the City's conservation philosophy and activities. General Services encourages collaboration, advice, and suggestions from all departments and agencies to achieve energy conservation goals.
- 9.1 The Department of Environmental Health shall advise General Services specifically regarding the environmental and health impacts related to energy choices.
- 9.2 All agencies and departments under the Mayor are to assist General Services in developing and implementing energy savings measures including capital improvements, operational improvements, and programs aimed at improved behavior related to energy use.
- 10.0 **Funding Allocations:** Requests by other agencies or departments for Capital or operating monies for Utility Service Conservation, Utility Service Efficiency, renewable energy projects, materials, services, and energy systems studies and cooperative projects shall be reviewed by and coordinated with the Department of General Services. General Services will consult with such agencies and departments, and Budget and Management on funding such measures to ensure City-wide coordination.

- 11.0 **Streetlights:** The streetlight maintenance budget, along with planning and locating streetlights and traffic signals are Public Works functions as is maintenance and repair of traffic signals.
- 12.0 **Interagency Billing:** In cases where the Department of General Services pays a supplier for Utility Services used by a non-general fund agency or department, the Department of General Services will bill that agency or department for reimbursement to the general fund. All non-general fund agencies will budget adequately for utility services.
- 13.0 **Participation in Public Meetings/Hearings:** The Department of General Services, in conjunction with other appropriate City agencies or departments, shall represent the City before the Colorado Public Utilities Commission (PUC) and the Federal Energy Regulatory Commission (FERC).
- 14.0 **Liaison with Facilities Management:** General Services works with building occupants and managers to ensure water and energy efficient operations. Should federal or state directives regarding energy or utility provisions be invoked, and approved by the City, they shall be implemented, and compliance certified, in City facilities and areas by General Services unless otherwise exempt.
- 15.0 **Grants and Rebates:** General Services shall seek grants, rebates and other monies for Utility Service Conservation and Utility Service Efficiency projects and shall support such efforts by other City agencies and departments.
- 15.1 Requests by other City agencies or departments to seek or participate in Utility Service rebates shall be reviewed and approved by General Services.
- 15.2 General Services shall ensure that earned rebates are properly applied to the City's energy conservation/efficiency projects or programs.
- 16.0 **General Services, in conjunction with other agencies, shall:**
- a. Advance the goals of Greenprint Denver and XO 123 by supporting energy efficiency in new construction, renovations, and building operation and maintenance.
  - b. Determine, promote, and provide as necessary appropriate financial analysis for conservation services and products.
  - c. Identify, pursue and implement renewable energy options.
  - d. Participate with other agencies in joint conservation and air pollution control programs.
  - e. Assist in enforcing provisions of any existing utility franchise(s). Provide support in negotiations for new utility provider franchises, agreements or contracts for the City and/or entities within the City's corporate boundaries.

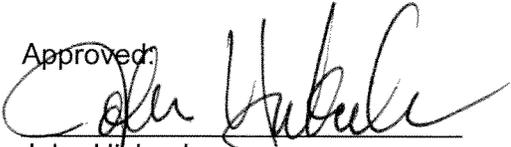
- f. Explore, investigate and negotiate electrical generation capabilities, including the purchase or sale of wholesale electricity and distributed generation.
- h. General Services will provide analysis and reports as requested.

17.0 **MEMORANDUM ATTACHMENTS:** The procedure(s) for implementing this Executive Order may be defined by Memorandum Attachments to the Executive Order which shall become a part of the Executive Order. Further the Department of General Services which is responsible for the content of this Executive Order shall have the authority to issue, procedural Memorandum attachments relative to this Executive Order.

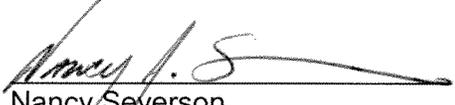
Approved for Legality:

  
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David Fine  
City Attorney for the City and County  
of Denver

Approved:

  
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John Hickenlooper  
MAYOR

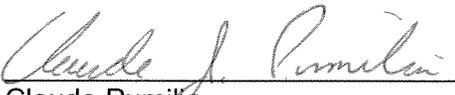
  
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Kim Day  
Manager of Aviation

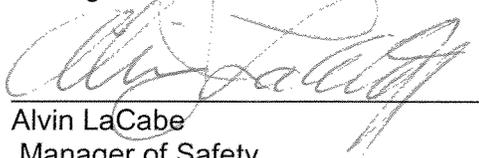
  
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Nancy Severson  
Manager of Environmental Health

  
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Derek Brown  
Manager of General Services

  
\_\_\_\_\_  
Kevin Patterson  
Manager of Parks & Recreation

  
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Guillermo Vidal  
Manager of Public Works

  
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Claude Pumilla  
Manager of Finance

  
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Alvin LaCabe  
Manager of Safety

  
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Patricia Wilson Pheanious  
Manager of Human Services

  
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Peter Park  
Manager of Community Planning  
and Development

**Memorandum No. 72A**

**TO: All Agencies under the Mayor**

**FROM: Mayor John Hickenlooper**

**DATE: November 13, 2008**

**SUBJECT: Utilities and Utility Services**

This Memorandum shall be attached to and become a part of Executive Order No. 72 dated, November 13, 2008, subject, "Utilities and Utility Services".

**DEPARTMENT OF GENERAL SERVICES  
EXCLUSIONS FROM EXECUTIVE ORDER 72**

- 1.0 **The following departments, agencies or facilities are excluded from payment of all Utility Services charges by the Department of General Services:**
  - 1.1 Denver International Airport, all Utility Services including area lights, street lights, traffic signals, water, sewer and storm drainage.
  - 1.2 Colorado Convention Center, all Utility Services
  - 1.3 The Denver Botanic Gardens, all Utility Services
  - 1.4 The Denver Zoo, all Utility Services
  - 1.5 The Denver Art Museum, all Utility Services
  - 1.6 The Denver Museum of Nature and Science, all Utility Services
- 2.0 **The following Utility Services within specific departments, agencies or City Facilities are excluded from payment by the Department of General Services:**
  - 2.1 Parks and Recreation, irrigation water charges.
  - 2.2 Parks and Recreation, facility water and sewer charges.
  - 2.3 Parks and Recreation, maintenance charges for park lights
  - 2.4 Golf Enterprise Fund, water, storm and sewer
  - 2.5 Fire Department for fire hydrant water.
- 3.0 **The following conservation/efficiency activities within specific departments, agencies, or facilities are excluded from oversight of General Services:**

- 3.1 Water conservation in Parks and Recreation facilities.
- 3.2 Alternative Transportation including but not limited to the following activities, shared ride to work, bus passes, ride arranger, and bicycling in Environmental Health.