



# City of Madison

City of Madison  
Madison, WI 53703  
[www.cityofmadison.com](http://www.cityofmadison.com)

## Agenda - Approved ECONOMIC DEVELOPMENT COMMITTEE

*Consider: Who benefits? Who is burdened?  
Who does not have a voice at the table?  
How can policymakers mitigate unintended consequences?*

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Wednesday, February 15, 2023

5:00 PM

VIRTUAL

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The City of Madison is holding the Economic Development Committee meeting virtually to help protect our community from the Coronavirus (COVID-19) pandemic.

1. **Written Comments:** You can send comments on agenda items to [EDC@cityofmadison.com](mailto:EDC@cityofmadison.com)

2. **Register for Public Comment:**

- Register to speak at the meeting.
- Register to answer questions.
- Register in support or opposition of an agenda item (without speaking).

If you want to speak at this meeting you must register. You can register at <https://www.cityofmadison.com/MeetingRegistration>. When you register to speak, you will be sent an email with the information you will need to join the virtual meeting.

3. **Watch the Meeting:** If you would like to join the meeting as an observer, please visit <https://www.cityofmadison.com/watchmeetings>.

4. **Listen by Phone:**

**(877) 853-5257 (Toll Free)**

**Webinar ID: 882 7393 8125**

If you need an interpreter, translator, materials in alternate formats or other accommodations to access this service, activity or program, please call the phone number below at least three business days prior to the meeting.

Si necesita un intérprete, un traductor, materiales en formatos alternativos u otros arreglos para acceder a este servicio, actividad o programa, comuníquese al número de teléfono que figura a continuación tres días hábiles como mínimo antes de la reunión.

Yog hais tias koj xav tau ib tug neeg txhais lus, ib tug neeg txhais ntawv, cov ntawv ua lwm hom ntawv los sis lwm cov kev pab kom siv tau cov kev pab, cov kev ua ub no (activity) los sis qhov kev pab cuam, thov hu rau tus xov tooj hauv qab yam tsawg peb hnuv ua hauj lwm ua ntej yuav tuaj sib tham.

For accommodations, contact: [EDC@cityofmadison.com](mailto:EDC@cityofmadison.com)

**CALL TO ORDER / ROLL CALL**

**APPROVAL OF MINUTES**

January 18, 2023: <http://madison.legistar.com/Calendar.aspx>

**PUBLIC COMMENT**

Members of the public wishing to speak regarding items on the EDC agenda or related matters shall do so at this time. Speakers are required to pre-register and are limited to three minutes each. Commissioners may ask questions of speakers after all registrants have spoken.

1. [76060](#) Public Comment EDC 2/15/23

**DISCLOSURES AND RECUSALS**

Members of the body should make any required disclosures or recusals under the City's Ethics Code.

**NEW BUSINESS**

2. [75280](#) Creating Section 29.40 and amending Section 1.08(3)(a) of the Madison General Ordinances to establish a building energy savings code, and to update the bond schedule accordingly.

**Attachments:** [75280Body](#)

[75280-BESPStaffMemo\\_3Jan2023.pdf](#)

[75280-Public Comment\\_SMC\\_23 Jan 2023 Batch 1.pdf](#)

[75280-Public Comment\\_SMC\\_23 Jan 2023 Batch 2.pdf](#)

[75280-Public Comment\\_EDC\\_18 Jan 2023.pdf](#)

**DISCUSSION ITEMS**

3. [75547](#) 2023 Economic Development Division Work Plan
4. [75546](#) Recommendations for EDC Membership

**ADJOURNMENT**

Next meeting scheduled for March 15,2023



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## Master

**File Number: 76060**

**File ID:** 76060

**File Type:** Miscellaneous

**Status:** Public Comment

**Version:** 1

**Reference:**

**Controlling Body:** Economic  
Development  
Division

**File Created Date :** 02/08/2023

**File Name:**

**Final Action:**

**Title:** Public Comment EDC 2/15/23

**Notes:**

**CC Agenda Date:**

**Agenda Number:** 1.

**Sponsors:**

**Effective Date:**

**Attachments:**

**Enactment Number:**

**Author:**

**Hearing Date:**

**Entered by:** afreedman@cityofmadison.com

**Published Date:**

**Related Files:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File 76060

Title  
Public Comment EDC 2/15/23



# City of Madison

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## Master

**File Number: 75280**

**File ID:** 75280

**File Type:** Ordinance

**Status:** Items Referred

**Version:** 1

**Reference:**

**Controlling Body:** ECONOMIC  
DEVELOPMENT  
COMMITTEE

**File Created Date :** 12/23/2022

**File Name:** Building Energy Savings

**Final Action:**

**Title:** Creating Section 29.40 and amending Section 1.08(3)(a) of the Madison General Ordinances to establish a building energy savings code, and to update the bond schedule accordingly.

**Notes:** 6708BuildingEnergySavings

**CC Agenda Date:** 01/03/2023

**Agenda Number:** 2.

**Sponsors:** Satya V. Rhodes-Conway, Juliana R. Bennett, Tag Evers, Grant Foster And Regina M. Vidaver

**Effective Date:**

**Attachments:** 75280Body, 75280-BESPStaffMemo\_3Jan2023.pdf, 75280-Public Comment\_SMC\_23 Jan 2023\_Batch 1.pdf, 75280-Public Comment\_SMC\_23 Jan 2023\_Batch 2.pdf, 75280-Public Comment\_EDC\_18 Jan 2023.pdf

**Enactment Number:**

**Author:** Doran Viste

**Hearing Date:**

**Entered by:** mglaeser@cityofmadison.com

**Published Date:**

**Related Files:**

### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	12/23/2022	Michael Haas	Approved as to Form	1/12/2023
1	2	12/28/2022	Ryan Pennington	Approve	1/12/2023

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office	12/23/2022	Referred for Introduction				
	<b>Action Text:</b>	This Ordinance was Referred for Introduction					
	<b>Notes:</b>	Sustainable Madison Committee (1/30/23), Economic Development (1/18/23), Common Council (2/7/23)					



1	COMMON COUNCIL	01/03/2023	Refer	ECONOMIC DEVELOPMENT COMMITTEE		Pass
	<b>Action Text:</b>	A motion was made by Furman, seconded by Conklin, to Refer to the ECONOMIC DEVELOPMENT COMMITTEE. The motion passed by voice vote/other.				
	<b>Notes:</b>	Additional referral to Sustainable Madison Committee.				
1	ECONOMIC DEVELOPMENT COMMITTEE	01/04/2023	Refer	SUSTAINABLE MADISON COMMITTEE	01/23/2023	
	<b>Action Text:</b>	This Ordinance was Refer to the SUSTAINABLE MADISON COMMITTEE				
1	ECONOMIC DEVELOPMENT COMMITTEE	01/18/2023	Re-refer	ECONOMIC DEVELOPMENT COMMITTEE	02/15/2023	Pass
	<b>Action Text:</b>	After Price's presentation and public comment a motion was made by Bulgrin, seconded by Wehelie, to Re-refer to the ECONOMIC DEVELOPMENT COMMITTEE. After Committee discussion, the motion passed by the following vote:				
		Absent: 1 Donna V. Moreland				
		Ayes: 5 Nasra Wehelie; Afra S. Smith; Susan M. Bulgrin; Wayne R. Harrisand Seth W. Lentz				
		Noes: 1 Tag Evers				
		Recused: 1 Erik Paulson				
		Excused: 1 Kabah Bah				
1	SUSTAINABLE MADISON COMMITTEE	01/23/2023	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER			Pass
	<b>Action Text:</b>	A motion was made by Foster, seconded by DeMarb, that this matter be RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER				
1	COMMON COUNCIL	02/07/2023	Re-refer	ECONOMIC DEVELOPMENT COMMITTEE		Pass
	<b>Action Text:</b>	A motion was made by Furman, seconded by Phair, to Re-refer to the ECONOMIC DEVELOPMENT COMMITTEE. The motion passed by voice vote/other.				
	<b>Notes:</b>	Economic Development Committee (2/15/23), Common Council (3/7/23)				

**Text of Legislative File 75280**

**Fiscal Note**

The proposed ordinance creates a building energy savings code and establishes a schedule for the issuance of citations. Requirements associated with this code will start in 2024. Future revenues from citations will be a General Fund revenue source.

**Title**

Creating Section 29.40 and amending Section 1.08(3)(a) of the Madison General Ordinances to establish a building energy savings code, and to update the bond schedule accordingly.

**Body**

DRAFTER'S ANALYSIS: This ordinance will create a building energy savings code for the City of Madison. Under this code, property owners of commercial buildings over 25,000 square feet will be required to benchmark their building's energy use on an annual basis and perform building tune-ups every four-years for commercial buildings over 50,000 square feet. This ordinance will be part of the property maintenance code and be administered by the Sustainability and Resilience Manager in the Mayor's Office, with enforcement actions to be undertaken by the Building Inspection Division.

The City of Madison is committed to reaching 100% renewable energy and net-zero carbon emissions for City operations by 2030 and community-wide by 2050. According to a 2015 greenhouse gas inventory, commercial buildings were responsible for 30% of community-wide greenhouse gas emissions. Improving energy efficiency in commercial buildings is a proven strategy for saving energy and reducing their carbon footprint. More than 40 other cities, counties, and states have established policies focused on improving energy efficiency in existing buildings. Cities that have enacted a benchmarking requirement include Minneapolis, Chicago, Ann Arbor, St. Louis, Boulder, New York, Boston, San Francisco, Seattle, Austin, Washington D.C., and Philadelphia. Cities including Salt Lake City, Seattle and Philadelphia have policies that require tune-ups. In addition, many states, including Wisconsin, have benchmarking requirements for state-owned buildings.

Benchmarking is a well-established practice of assessing and analyzing a building's annual energy use, thereby helping the building's owners understand current patterns of energy use, identify opportunities to save energy and reduce greenhouse gas emissions, and track changes over time. Once aware of the building's energy consumption and opportunities to improve efficiency, building owners may find that it is advantageous to make energy efficiency improvements to the building to reduce energy costs, reduce greenhouse gas emissions, increase occupant comfort and satisfaction, increase the value of the property, and make the building more sustainable and marketable. In addition, these changes made by private property owners will help the City meet its climate and energy goals. Research by U.S. EPA shows that buildings that benchmark their energy use see an average annual energy savings of 2.4% per year that accrues over time, resulting in an 8 to 10% total reduction in annual energy use.

To benchmark, property owners of covered buildings must enter their building's data into a designated free national benchmarking tool and submit this information to the City. Benchmarking requirements will be phased in over a three-year period beginning in 2024.

A building tune-up is a process wherein property owners have a qualified professional assess a building's existing energy systems, controls, and maintenance practices and perform no- to low-cost operational adjustments, maintenance, or minor repairs that improve system performance and save energy. Analysis by Pacific Northwest National Laboratory shows that buildings that tune up reduce their annual energy use by 12% on average, with some buildings' energy savings as high as 52%. Like benchmarking, building tune-ups can help building owners save money on utility bills while also helping the City meet its climate goals. Tune-up requirements will be phased in over a two-year period beginning in 2025.

Tenants shall be required to provide property owners with relevant information to allow them to benchmark their property and access to the leased areas to perform tune-up assessment and corrective actions. These requirements on tenants are not inconsistent with the statutory limitations in Wis. Stat. Sec. 66.0104(2)(d), since they neither require the landlord to communicate any information to tenants, nor do they require landlords to communicate to the City any information concerning the landlord or tenant.

Finally, the bond schedule is being amended to enable the Building Inspection Division to enforce this Section by the issuance of citations.

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**Please see Legistar File No. 75280 Body in Attachments.**

## **Legistar File No. 75280 Body**

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\*\*\*\*\*

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 29.40 entitled “Building Energy Savings Code” of the Madison General Ordinances is created read as follows:

**“BUILDING ENERGY SAVINGS**

**29.40 BUILDING ENERGY SAVINGS CODE**

(1) Intent and Purpose.

(a) The Common Council of the City of Madison hereby finds that:

1. The Madison Sustainability Plan, adopted on June 12, 2012 by RES-12-00434 and as updated on March 21, 2017 by RES-17-00213, calls for the City to reduce overall energy consumption fifty percent (50%) by 2030 in the public and private sectors, and to achieve 100% renewable energy and net zero carbon emissions for city operations by 2030 and community-wide by 2050.
2. The Sustainability Plan calls for the City to make energy efficiency upgrades to City-owned buildings to meet specific energy performance targets.
3. The Sustainability Plan also calls for gathering benchmarking information on private buildings.
4. Benchmarking and tune-ups are important tools used by municipalities and states throughout the United States, including the State of Wisconsin, to encourage property owners to track and improve the energy efficiency of their buildings. Requiring benchmarking and tune-ups demonstrably improves building energy efficiency.
5. Benchmarking and tune-ups will lead to energy efficiency improvements in commercial buildings community-wide. This will lead to an increase in the quality and sustainability of the buildings in the City, raise property values and occupancy rates, and demonstrate City, City businesses and City residents’ commitment toward climate action and sustainability.
6. Energy efficiency improvements made as a result of benchmarking and tune-ups will create local employment opportunities that will benefit the City, the City’s businesses and the City’s residents.
7. Benchmarking and tune-ups will lead to reduced energy use in Madison, and therefore a reduction in greenhouse gas emissions. This will help the City meet its energy and climate goals, improve air and water quality, and benefit public health and the environment in the City and the region.
8. Buildings that benchmark their energy use see an average annual energy savings of 2.4 percent per year that accrues over time, resulting in an 8 to 10 percent total reduction in annual energy.

9. Building tune-ups help buildings perform at optimum efficiency, and, on average, have been shown to reduce energy consumption by 12 percent and have a short payback period for property owners.
  10. The public policy interests served by this Section's benchmarking and tune-up requirements will include increasing energy efficiency in the City and helping the City meet its climate goals while mitigating the future impacts of climate change, the costs of which will be borne by the City, property owners and residents alike. Building owners may be reluctant to share benchmarking and tune-up information with the City out of concern that this information could be made public and that public knowledge of this information would pose reputational or economic risk. Hence, the public's interest in disclosure of these reports, in full or in a way that identifies the buildings and owners, is outweighed by the City's interests in establishing and carrying out this building energy savings code. See Subsection 5 on Data Privacy below.
    - (b) Consistent with the aforementioned findings, the purpose of this ordinance is to improve the energy efficiency of commercial buildings and reduce overall energy use and greenhouse gas emissions while providing benefits to building owners and tenants. This ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Madison pursuant to the powers set forth in Wis. Stat. § 62.11(5).
- (2) Definitions . For the purposes of this Section the following definitions apply:
- Administrator means the Sustainability and Resilience Manager.
- Base Building Systems mean the systems or sub-systems of a building that use energy and/or impact energy consumption including but not limited to: (1) primary HVAC (heating, ventilation, air conditioning) systems; (2) conveying systems; (3) domestic hot water systems; (4) electrical and lighting systems. Base building systems shall not include equipment used for industrial or manufacturing processes.
- Benchmarking Report means a report, generated by ENERGY STAR Portfolio Manager, summarizing the annual energy performance of a building.
- Building Owner or Owner means the owner of record of a building. In the case of a building held in cooperative or condominium form of ownership, the term Building Owner or Owner shall refer to the board of managers, board of directors, condominium association, or other representative body of the jointly-owned building with authority to make decisions about building assessments and alterations to the building.
- Building Tune-Up means an inspection by a tune-up specialist and subsequent appropriate corrective actions to increase a covered building's energy efficiency.
- Certificate of Occupancy means the certificate issued by the Building Inspection Division under Section 29.11 allowing the building to be occupied.
- Commercial Building means public buildings and places of employment subject to the commercial building code, Wis. Admin. Code Ch. SPS 361-366, and Wis. Admin Code Ch. SPS 375-379, excluding buildings used solely for multifamily housing or industrial purposes.
- Corrective Actions means operational adjustments, maintenance or repairs to existing building equipment or systems to resolve issues identified during the building tune-up assessment. These corrective actions will all be minor repairs, which is defined as low-cost repairs to existing equipment.

Covered Building means buildings required to comply with either Subsection (3) or (4).

Energy Benchmarking means the assessment of a building's energy use and efficiency.

ENERGY STAR Portfolio Manager means the tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy performance of similar buildings nationwide.

ENERGY STAR Score means a 1 to 100 score that demonstrates the energy efficiency of a building relative to similar buildings across the country.

Floor Area is the gross floor area for the building, as determined by the City Assessor.

Tenant means a person occupying or holding possession of a building or premises pursuant to a rental agreement.

Tune-Up Specialist means a person qualified to conduct a building tune-up, per Subsection (4)(b)5.

Tune-Up Report means a report of required tune-up activities as established by the Administrator and completed by a tune-up specialist, summarizing the findings, recommendations, and corrective actions taken as a result of the building energy tune-up and estimated energy savings.

Utility means an entity that distributes and sells natural gas, electric, or thermal energy services for buildings.

(3) Energy Benchmarking .

(a) Applicability .

1. Covered Buildings . This Subsection applies to all commercial buildings that are equal to or larger than 25,000 square feet of floor area. In addition:
  - a. For buildings with both residential and non-residential uses, this Subsection applies to non-residential portions of a building where the non-residential floor area is equal to or larger than 25,000 square feet.
  - b. Any two or more commercial buildings that are served by one common energy meter without sub-metering, such that their energy use cannot be tracked individually, shall be considered one building for the purpose of determining floor area.
2. Benchmarking Schedule . Owners of covered buildings under Paragraph 1 shall complete their annual energy benchmarking requirements by March 31 of each year. The requirements of this Subsection shall be applicable on the following schedule:
  - a. Covered buildings of 100,000 square feet of floor area or larger shall comply by March 31, 2024.
  - b. Covered buildings between 50,000 and 99,999 square feet of floor area shall comply by March 31, 2025.
  - c. Covered buildings between 25,000 and 49,999 square feet of floor area shall comply by March 31, 2026.
3. Exemptions . The requirements of this Subsection do not apply to the following:
  - a. Buildings located on a parcel of real property classified as manufacturing by the City of Madison's Assessor's Office in accordance with the most recent version of the Wisconsin Property Assessment Manual.
  - b. Any building, regardless of size, which has no installed lighting, heating system, and cooling system.

- c. Unoccupied buildings, provided that the owner submits documentation to the Administrator, on a form provided by the Administrator, establishing that the property met one or both of the following conditions for the calendar year to be benchmarked:
    - i. The property did not have a certificate of occupancy for the full year to be benchmarked;
    - ii. The building was demolished or otherwise not receiving utility services for at least 30 days of the year to be benchmarked.
- (b) Requirement for Energy Benchmarking and Reporting.
- 1. Requirement.
    - a. Owner. The owner of a covered building subject to this Subsection shall benchmark aggregate, whole-building energy use for the building via ENERGY STAR Portfolio Manager. The energy benchmarking report and ENERGY STAR score, where applicable, shall be based on data from the twelve consecutive months of the previous calendar year.
    - b. Tenant Reporting. Where the owner of a covered building leases the entire covered building to a single tenant, and the tenant is responsible for managing all energy usage for the building, the owner may, with the agreement of the tenant, delegate all responsibilities under this Subsection to the tenant. Such delegation shall be provided in writing to the Administrator, on a form provided by the Administrator. Upon such a delegation, the tenant shall be considered an owner under this subsection and be required to comply with the terms hereof, although the building owner remains responsible for building compliance.
  - 2. Reporting. The owner shall provide to the Administrator, on a form provided by the Administrator, an energy benchmarking report for the previous calendar year by March 31 of each year.
  - 3. Extension. A building owner may apply for a 60 day compliance extension from the reporting deadline in Paragraph 2 by showing good cause. Receiving an extension does not alter the future schedule for compliance. Conditions to receive a 60 day extension under this Subparagraph include, but are not limited to:
    - a. The building owner purchased the building within 180 days prior to the compliance deadline. Evidence of the transaction and new ownership information must be submitted.
    - b. The building owner has encountered technical difficulties preventing the on-time submission of the benchmarking report.
    - c. The building owner can demonstrate proof of financial hardship preventing completion of benchmarking as evidenced by any of the following:
      - i. The building is the subject of a tax lien sale or public auction due to property tax arrearages;
      - ii. The building is controlled by court appointed receiver; or





For buildings with both residential and non-residential uses, the compliance deadline will be based on the square footage of floor area for non-residential areas.

- b. New Buildings. Newly constructed buildings shall comply with the later of the applicable schedule for the building under Subparagraph a, or by October 31 following the point at which the building has had its certificate of occupancy for at least three years.
  - c. Subsequent Tune-Up. Covered buildings must conduct subsequent building tune-ups by October 31 of every fourth year after the first compliance date established under Subparagraphs a and b.
  - d. Alternative Schedules for Large Building Portfolios. A building owner may seek an alternative schedule for tune-up compliance by submitting a large portfolio compliance plan to the Administrator, on a form provided by the Administrator, if they own a portfolio of 10 or more covered buildings subject to this Subsection.
3. Exemptions. The Administrator may grant a building owner an exemption from the building tune-up compliance date established under Paragraph 2, for a specified period of time, as follows:
- a. Application. Building Owners seeking an exemption from an initial tune-up or subsequent tune-up must submit a tune-up exemption request and accompanying documentation, on a form provided by the Administrator, that shows either:
    - i. One of the following alternative compliance pathways identified in this Paragraph has been achieved; or,
    - ii. One of the barriers to compliance identified in this Paragraph applies.
  - b. Deadline. Requests for exemptions must be submitted to the Administrator no sooner than 2 years in advance of, and no later than April 30 of the year of the building's applicable tune-up compliance date. The Administrator shall notify applicants within 60 days of receiving an exemption request on the determination of whether the exemption is granted.
  - c. Alternative Compliance Pathways. An exemption from the building tune-up compliance cycle may be granted for a covered building if one or more of the following alternative compliance pathways are shown to exist:
    - i. The building has a certified ENERGY STAR score of 75 or greater in the calendar year preceding the tune-up compliance date;
    - ii. The building has received a rating of LEED Gold for Operations + Maintenance, or another green building certification that is equivalent to standards accepted in the industry for an efficiently operating building as determined by the Administrator within the three years preceding the tune-up compliance date;

- iii. The building has completed a full commissioning, retro- or re-commissioning procedure within the three calendar years preceding the tune-up compliance date;
  - iv. The building has achieved a certified net zero energy recognition from the International Living Future Institute, the Passive House Institute of the United States, or other comparable or equivalent organization as determined by the Administrator within the three years preceding the tune-up compliance date;
  - v. The building can demonstrate an annualized 15% reduction in weather-normalized site Energy Use Intensity (EUI) relative to the building's prior two-year average site EUI. Accuracy of the ENERGY STAR Portfolio Manager and energy benchmarking account information for all three years must be verified by an individual meeting the qualifications of a tune-up specialist, as defined below;
  - vi. The owner has completed an energy audit for the building that is no less stringent than the ASHRAE Level II standard and implemented all energy efficiency measures providing a simple payback of three years or less that were identified in the audit in the three years preceding the tune-up compliance date;
  - vii. The buildings has a site EUI equal to or less than 20 kBtu per square foot per year for at least two of the three calendar years preceding the tune-up compliance date; and
  - viii. Other applicable criteria that demonstrate compliance with the intent of this Subsection, as determined by the Administrator.
- d. Barriers to Compliance. An extension to a building tune-up compliance date may be granted for a covered building if one or more of the following barriers to compliance are shown to exist:
- i. The building has been approved for demolition under Section 28.185 within one year of the building tune-up compliance date;
  - ii. The building's owner is experiencing significant financial distress such as bankruptcy or insolvency or the building is the subject of a pending or recent foreclosure action; and,
  - iii. Other applicable criteria that demonstrates that the owner may have a barrier to complying with the requirements of this Subsection, as determined by the Administrator.
- (b) Requirement for Building Tune-Ups and Reporting.
- 1. Requirement. Owners of covered buildings are required to conduct an initial building tune-up and subsequent building tune-ups every four years thereafter by the building tune-up compliance date, as provided for under Subdivision (a).

2. Reporting. Owners must provide a building tune-up report to the Administrator, on a form provided by the Administrator, by the applicable building tune-up compliance date. The building tune-up report shall include findings, recommendations, and corrective actions taken as a result of the building energy tune-up and estimated energy savings.
3. Extensions. A building owner may apply for a one-year compliance extension from the building tune-up compliance date by showing good cause. If the Administrator grants such an extension, the future schedule for compliance remains the same, and the building's next compliance schedule will be less than the typical four-year schedule. Requests for extensions must be submitted to the Administrator no later than April 30 of the building tune-up compliance year, on a form provided by the Administrator. However, in the case of a change of ownership after April 30 of the compliance year, the building owner may submit an extension request up to the building tune-up compliance date. Conditions to receive a one-year extension include but are not limited to:
  - a. A change of building ownership within one year of the compliance date. Evidence of the transaction and new ownership information must be submitted with the tune-up extension request;
  - b. Buildings with less than a 50% occupancy rate in nonresidential spaces during a consecutive 6- month period within the 12-months preceding the compliance date. The Building Owner must submit clear evidence of a minimum 50% vacancy with the tune-up extension request;
  - c. Buildings in which permitted mechanical improvements or permitted renovations are underway, which must be complete before a tune-up can reasonably occur. The Building Owner must provide permits and work schedules with the tune-up extension request;
  - d. The building owner demonstrates proof of financial hardship preventing on-time completion of a tune-up. This may be evidenced by any of the following:
    - i. The building is the subject of a tax lien sale or public auction due to property tax arrearages;
    - ii. The building is controlled by court appointed receiver; or
    - iii. The building has been acquired by a deed in lieu of foreclosure.
  - e. Good cause for a one-year extension is shown by the building owner, as determined by the Administrator.
4. Tune-Up Requirements.
  - a. Tune-Up. A tune-up performed under this Subsection includes:
    - i. An inspection of base building systems conducted by a qualified tune-up specialist and resulting in a report of findings and recommendations for improving building energy operations; and,
    - ii. Corrective actions taken to optimize energy performance by implementing all low-cost adjustments, maintenance and minor repairs to the

- building's existing base building systems as determined by the Administrator.
- b. Systems Included in a Tune-Up. Building tune-ups will include the following base building systems or subsystems that use energy or impact energy consumption, including:
    - i. The building envelope;
    - ii. HVAC systems (heating, ventilation, and air conditioning);
    - iii. Conveying systems;
    - iv. Domestic hot water systems; and
    - v. Electrical lighting systems.
  - c. Systems Not Included in a Tune-Up. The following building systems are exempt from assessment and corrective actions during a tune-up:
    - i. Tenant-owned systems, when the tenant's leased space is 5,000 square feet or less and the system only serves that space;
    - ii. Industrial processes; and,
    - iii. Lighting associated with surface-level parking lots.
  - d. Corrective Actions. For each system included in the tune-up, the following elements will be examined, if present, and undergo corrective actions, if needed:
    - i. Sensors: examine for proper operation and appropriate location.
    - ii. Schedules: examine schedules of all equipment for actual daily, weekly, holiday, and seasonal schedules; determine optimal schedules to meet current building needs.
    - iii. Set points: examine set points for all zones and equipment.
    - iv. Outside air controls: calculate ventilation requirements, measure actual ventilation rates, and determine optimal ventilation delivery and control.
    - v. Equipment controls: determine optimal equipment controls for energy efficient operations.
    - vi. Maintenance check: check for common maintenance items that impact energy usage.
    - vii. Design issues: identify design issues leading to a high energy use, such as missing insulation, missing controls, large leaks, unbalanced systems, critical zones.
    - viii. Lighting: identify outdated lighting technologies, over-lit spaces, and areas needing lighting controls.
    - ix. Domestic plumbing system: determine maintenance needs.
    - x. Other: other systems shall be examined if required by the Administrator.
5. Tune-up Specialists.
- a. Requirement. Building tune-ups under this Subsection shall be conducted by a qualified tune-up specialist, or by a team that is under the direct supervision and oversight of a qualified tune-up specialist, with the tune-up specialist finalizing and signing the tune-up report.

- b. Qualifications. In order to be qualified as a tune-up specialist, the person must have, at a minimum, three or more years of commissioning, tune-up, energy auditing, or building energy system management experience and possesses one or more of the following certifications:
- i. A Professional Engineer (PE) in Mechanical or Architectural Engineering licensed in the State of Wisconsin;
  - ii. Building Operator Certification (BOC) Level II;
  - iii. Certified Energy Manager (CEM), Certified Building Commissioning Professional (CBCP), or Existing Building Commissioning Professional (EBCP), issued by the Association of Energy Engineers (AEE);
  - iv. Building Commissioning Professional (BCxP) or Building Energy Assessment Professional (BEAP), issued by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE);
  - v. Accredited Commissioning Process Authority Professional (ACPAP) approved by the University of Wisconsin;
  - vi. Certified Commissioning Professional administered by the Building Commissioning Certification Board;
  - vii. Commissioning Authority (CxA) administered by the AABC Commissioning Group (ACG); or,
  - viii. Additional qualified certifications as the Administrator deems appropriate.

- c. Administration.
- i. Criteria. The Administrator shall develop criteria to establish the qualifications for a tune-up specialist to ensure that this work is performed consistent with the intent of this Section.
  - ii. Specialist List. The Administrator may maintain a list of qualified tune-up specialists that meet standards set forth in this Paragraph.
  - iii. Removal. The Administrator is authorized to remove qualified tune-up specialists from the list at any time based on evidence that they are operating in bad faith. Operating in bad faith may be determined based on at least three incidences of misrepresenting facts, or as determined by the Administrator. The Administrator may refuse to accept future tune-up reports submitted by tune-up specialists that have been removed from the list.

(c) Inspections; New Tune-Up.

1. Inspections. The Administrator is authorized to conduct quality control and verification inspections related to tune-ups and tune-up specialists to verify good faith efforts for compliance. Good faith efforts for compliance include accurately representing the facts and completing the full scope of a tune-up as required under this Subsection. An owner shall not unreasonably interfere with or impede an inspection of the building under this Paragraph.

2. New Tune-Up. Following an inspection, or upon otherwise learning of inconsistencies between the tune-up report and the quality assurance assessment, the Administrator may require the building owner to have a new tune-up completed by a date determined by the Administrator.
- (d) Building Tenant Responsibility. Unless otherwise restricted by statute, lease or contract, tenants shall allow building owners and tune-up specialists reasonable access to tenant spaces, building systems, and utility information for the purpose of complying with the terms of this Subsection, including tune-up assessment and corrective actions.
- (5) Data Privacy.
  - (a) Individual building benchmarking reports and tune-up reports subject to this Section shall not be released by the City except when required by state or federal statute.
  - (b) The City may aggregate data for analysis and public release and will take reasonable precautions to ensure that specific building or owner data cannot be readily determined.
- (6) Administration. This Administrator shall be responsible for the administration of this Section, and in that capacity has the authority to create and implement program documents, guidelines, and regulations necessary for the implementation of this Section. The Administrator shall coordinate enforcement efforts with the Director of the Building Inspection Division.
- (7) Violations and Penalties. It shall be unlawful for any entity or person to fail to comply with the requirements of this Section or to misrepresent any material fact in a document required to be prepared or disclosed by this Section. The penalties for violating this Section are as follows:
  - (a) Any person who fails to comply with the energy benchmarking requirements of Subsection (3)(b) shall, upon conviction thereof, be subject to a forfeiture of \$1,000 for each ninety (90) days of non-compliance.
  - (b) Any person who fails to comply with the building tune-ups requirements of Subsection (4)(b) shall, upon conviction thereof, be subject to the following forfeitures:
    1. For buildings greater than or equal to 100,000 square feet:
      - a. One hundred eighty (180) days out of compliance will result in a forfeiture of three thousand dollars (\$3,000); and
      - b. Three hundred sixty-five (365) days out compliance will result in a forfeiture of ten thousand dollars (\$10,000).
    2. For buildings between 50,000 and 99,999 square feet:
      - a. One hundred eighty (180) days out of compliance will result in a forfeiture of two thousand dollars (\$2,000); and
      - b. Three hundred sixty-five (365) days out compliance will result in a forfeiture of eight thousand dollars (\$8,000).
  - (c) Any person who intentionally falsifies data required by Subsections (3) or (4) shall, upon conviction thereof, be subject to a forfeiture of three thousand dollars (\$3,000) for the first violation, and five thousand dollars (\$5,000) for each subsequent violation.
  - (d) Any person who otherwise fails to comply with the requirements of this Section, other than as provided for under Subdivisions (a) through (c), shall, upon conviction thereof, be subject to a forfeiture of not less than twenty dollars (\$20) nor more than one hundred dollars (\$100) for each violation thereof. Each day that a violation exists shall constitute a separate offense.

2. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating and amending therein the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.</u> **	<u>Deposit*</u>
Permit for use of tents for merchandising or display required.	29.32(4)	\$50
<u>Fail to Comply with Benchmarking Requirements</u>	<u>29.40(3)(b)</u>	<u>\$1,000/90 days</u>
<u>Fail to Comply with Building Tune-Up Requirements (100,000 Square Feet or More)</u>	<u>29.40(4)(b)</u>	<u>\$3,000, 1<sup>st</sup> 180 days</u> <u>\$10,000, 365 days</u>
<u>Fail to Comply with Building Tune-Up Requirements (Less than 100,000 Square Feet)</u>	<u>29.40(4)(b)</u>	<u>\$2,000, 1<sup>st</sup> 180 days</u> <u>\$8,000, 365 days</u>
<u>Falsify Building Energy Savings Code Data</u>	<u>29.40(7)(c)</u>	<u>\$3,000, 1<sup>st</sup></u> <u>\$5,000, 2<sup>nd</sup>+</u>
<u>Fail to Comply with Building Energy Savings Code</u>	<u>29.40(7)(d)</u>	<u>\$20, 1<sup>st</sup></u> <u>\$50, 2<sup>nd</sup></u> <u>\$100, 3<sup>rd</sup>+</u>
HVAC work performed without permit.	30.01(5)	\$200, 1 <sup>st</sup> \$500, 2nd w/in 1 yr. \$1,000, 3rd w/in 1 yr.”

EDITOR’S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.



# SUSTAINABILITY & RESILIENCE STAFF REPORT

**DATE:** JANUARY 3, 2022

**PROPOSAL:** BUILDING ENERGY SAVINGS CODE

**LEGISTAR FILE ID #:** 75280

**PREPARED BY:** SUSTAINABILITY AND RESILIENCE PROGRAM STAFF, MAYOR'S OFFICE

## Introduction

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The City of Madison is committed to reaching 100% renewable energy and net-zero carbon emissions by 2030 for city operations and community-wide by 2050. According to a 2015 greenhouse gas inventory, commercial buildings were responsible for 30% of community-wide greenhouse gas emissions. Improving energy efficiency in commercial buildings is proven strategy for saving energy and reducing their carbon footprint. More than 40 other cities, counties, and states have established policies focused on improving energy efficiency in existing buildings. Visit the [Building Performance Policy Center](#) for additional information and a [map](#) summarizing adoption of these policies across the U.S.

## Purpose

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This purpose of the Building Energy Savings code is to improve energy efficiency and reduce greenhouse gas emissions in commercial buildings community-wide through energy benchmarking and tune-ups.

Energy benchmarking is simply measuring and tracking annual energy use. Importantly, benchmarking does NOT require a building to meet a prescribed level of energy use. Rather, the information that benchmarking provides helps building owners and managers make more informed decisions about building operations and actions to save energy and money. [Research by U.S. EPA](#) shows that buildings that benchmark their energy use see an average annual energy savings of 2.4% per year that accrues over time, resulting in an 8 to 10% total reduction in annual energy use over time.

Similar to tuning up a car, building tune-ups check and adjust building energy systems, like lighting and HVAC controls, once every four years to make sure existing systems are performing at their best without wasting energy. For a tune-up, a qualified professional, which could be current building staff, assesses a building's existing energy systems, controls, and maintenance practices and performs no- to low- cost operational adjustments, maintenance, or minor repairs that improve system performance and save energy. Importantly, tune-ups are NOT focused on major upgrades to buildings or building equipment. Rather, tune-ups aim to ensure the existing equipment is running as intended. Tune-ups catch un-noticed issues that can waste a lot of energy. [Meta-analysis by Pacific Northwest National Laboratory \(PNNL\)](#) found that tune-ups result in a median annual energy savings of 12%.

Benchmarking and tune ups save energy, reduce utility bills, provide a more comfortable space for occupants, and reduce carbon and air pollution that negatively impacts public health and safety. Reducing annual energy use in buildings covered under this ordinance by 10 to 15% would cut carbon emissions by an estimated 91,257 to 136,886 tons of CO<sub>2</sub>e a year. That's the equivalent of taking 17,838 to 26,757 cars off the road.

## Requirements and Implementation

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**Benchmarking:** All non-residential, commercial buildings 25,000 square feet and larger will be required to benchmark annual energy use via ENERGY STAR Portfolio Manager, a free online tool provide by the U.S. EPA, and provide a benchmarking report to the City.

**Tune-ups:** All non-residential, commercial buildings 50,000 square feet and larger will also be required to conduct a building tune-up every four years and provide a tune-up report to the City.

**Tune-up Alternative Pathways:** In our community, many building owners and managers are already investing in energy efficiency for their buildings. To allow flexibility, the Building Energy Savings code allows building owners to choose to conduct a tune-up OR to provide documentation that demonstrates they have a highly efficient building or have recently taken actions that substantially improved their building's efficiency. See the attached FAQ or Section (4)(3)(c) of the ordinance for a list of pathways.

In mixed-use buildings, only the non-residential portion of a building counts toward the size threshold and is covered by the requirements.

This ordinance will be part of the property maintenance code and be administered by the Sustainability and Resilience Manager in the Mayor's Office, with enforcement actions to be undertaken by the Building Inspection Division. Compliance dates phased in over a series of years, with the largest buildings first benchmarking in 2024 and the largest buildings first tuning-up in 2025.

## Accompanying Building Energy Savings Program

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Implementation of this ordinance will be supported by the Building Energy Savings Program which has been designed to provide the training, support, and information that building owners need to benchmark and tune up as well as take the next steps to turn building efficiency knowledge into action.

The City will provide free trainings on the elements of the program and a Help Desk to ensure building owners and managers have the information they need to easily and successfully benchmark and tune-up their buildings.

The City will provide building owners with customized reports that include a summary of whole-building energy use and how it is changing over time, information on how their building compares to others in Madison, customized recommendations for saving energy and the benefits those changes could bring, and information on resources building owners can leverage to improve energy performance such as rebates, incentives, and financing from across local, state, and federal sources.

## Ordinance and Program Development

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Development of the Building Energy Savings Program and this ordinance are informed by two years of outreach and engagement with the Madison community. Since January 2021, City staff have engaged

directly with more than 80 individuals from over 35 organizations, local governments, and federal programs, including building energy professionals and scientists, building owners and managers, facilities management professionals, real estate professionals, the business community, MG&E, Alliant Energy, Focus on Energy, public institutions, nonprofit organizations, and peer cities.

City staff attended multiple meetings with leading local organizations that represent commercial building owners and tenants, including Greater Madison Chamber of Commerce, Downtown Madison Inc, and Smart Growth Greater Madison. City staff also presented to the Sustainable Madison Committee on December 20, 2021 and June 27, 2022.

Staff also presented to and received feedback at meetings with relevant professional organizations including the Wisconsin chapters of the International Facilities Managers Association (IFMA), the International Building Performance Simulation Association (IBSPA), the American Institute of Architects (AIA), and the Wisconsin Association of Energy Engineers (WAEE).

The City held a Public Information Meeting on the program on July 13, 2022, which had 60 registrants and 48 attendees. The PIM was recorded and posted online, including Q and A. Following the PIM, staff held three workshops between July and August of 2022 to gather public input on specific aspects of the program's design, each with 40 to 48 attendees. Collaborations boards from each workshop with attendee feedback are available [online](#).

A Racial Equity and Social Justice Analysis of the program was completed by a nine member panel consisting of three City staff members and 6 community-members.

## For More Information

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The [Building Energy Savings Program FAQ](#) provides a comprehensive list of answers to questions commonly asked about the program and ordinance.

Visit the [Buildings Page on the Sustainability and Resilience website](#) for more information about the program and links to all relevant resources, including the draft ordinance, FAQ, recording of the PIM, and collaboration boards from the three workshops.

**Price, Jessica M**

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**From:** Azura Mar JORDA <ajorda@wisc.edu>  
**Sent:** Monday, January 23, 2023 2:06 PM  
**To:** Sustainable Madison Committee  
**Subject:** Approve the Buildings Energy Savings Program Ordinance

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Hello!

To the Members of the Sustainable Madison Committee:

**I write to express my strong support for the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly.**

Large commercial buildings account for 30% of our community's greenhouse gas emissions. These greenhouse gas emissions have such a large impact on all interconnecting parts of the Madison ecosystem. The proposed *Building Energy Savings Program* ordinance not only will reduce those emissions, but also enable building owners and their tenants to reduce their energy costs. It is time our city joined some 50 other cities, counties and states that are successfully using this policy to reduce both emissions and energy bills. This would be a step in the right direction for creating a positive change to combat climate change.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. **Please approve this project!**

Sincerely,  
Azura Jorda  
420 W Gorham St, Madison, WI 53703

All the best,  
**Azura Jorda**  
Conservation Biology & Communication Arts (Radio/ TV/ Film)  
University of Wisconsin-Madison '23

## Price, Jessica M

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**From:** Bill Connors <bill@smartgrowthgreatermadison.com>  
**Sent:** Monday, January 23, 2023 10:49 AM  
**To:** Sustainable Madison Committee  
**Subject:** Smart Growth's Comments re Mandatory Building Energy Benchmarking and Tune Ups Ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Sustainable Madison Committee members:

Please change the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280) to a voluntary program. If the new program remains mandatory, please change it so that it does not require reporting of proprietary information to the city government.

Here is one example of why this program should be voluntary rather than mandatory. One of the owners of large commercial buildings in Madison also owns a large commercial building in another city that has an ordinance very much like the one that is being proposed here. That building has only one tenant, a large national credit card processing company which uses a great deal of energy. The commercial tenant receives and pays all of the utility bills--the lease is a triple net lease. The commercial tenant refuses to provide any of the utility bill data to the building owner. The city government is threatening to fine the building owner because the building owner is not reporting the utility data to the city, even though the building owner is not able to obtain the data. The building owner paid an outside company to perform a building energy tune up of the building. The tune up produced no savings, because the commercial tenant has high utility bills and invests time and effort in making sure it operates the building as energy efficiently as possible.

City staff will tell you they have had many meetings with stakeholders about this proposed ordinance over the past year or more. However, the proposed ordinance does not reflect most of the feedback they received from the stakeholders.

The ordinance makes the Madison city government the holder of the reported energy data, which is not appropriate, because once the city government has the data, it can be obtained by anyone through a public records request. The data the ordinance requires building owners to report is the proprietary data of the building owners and their commercial tenants and should not be made into a public record that can be obtained by anyone. Building owners and commercial tenants do not want their competitors to be able to access this data.

Why must this data be reported to the city government? What is the city government planning to do with this data in the future? I thought the point of this was to require the building owners to look at the data, which can be done without requiring reporting to the city government.

City staff have said it is necessary for building owners to report the data to the city government because the city government cannot obtain energy usage data directly from the utilities that is granular enough to determine whether the new program is working. It will be absolutely impossible to determine if the new program is working by looking at granular aggregated energy usage data. If there are several harsh winters in a row, energy usage will increase. If there are several mild winters in a row, energy usage will decrease. Building owners are continually investing in more energy efficient boilers and windows and adding roof insulation when major systems need to be replaced, so one would expect buildings to have decreasing energy usage. On the

other hand, more buildings are offering electric vehicle (EV) charging in their parking structures and parking lots, which would increase electric usage. There are so many other factors impacting building energy usage that it will not be possible to determine whether the new program is having its desired impact from future data showing trends in building energy usage.

City staff also have said it is necessary for building owners to report the data to the city government so city staff can report tailored information back to the building owners. Building owners and commercial tenants already can obtain extremely detailed analytic reports from the utility companies--they do not need any reports from city staff to have the data they need to make their buildings more energy efficient.

Please be aware the Energy Star reporting tool requires the following data to be included in a report in order for Energy Star to allow the building owner to submit a report. Some of this data must come from the commercial tenants. It is common for a large commercial building to have 10 or more commercial tenants, and many of them will refuse to provide this data to the building owner to report to the city government.

## Energy Star Requirements

### Data Collected for All Properties

- Property Name
- Property Address
- Total **Gross Floor Area** of Property
- **Irrigated Area**
- **Year Built/Planned for Construction Completion**
- **Occupancy**
- Number of Buildings
- 12 consecutive months of energy data

### Additional Data Collected for **Office**

The following information is **required** to get an ENERGY STAR score (**if eligible**):

- **Gross Floor Area**
- **Weekly Operating Hours**
- **Number of Workers on Main Shift**
- **Number of Computers**
- **Percent That Can Be Cooled**

In order for the Energy Star reporting tool to work, the building owner must provide information for the entire building, not just parts of it, and provide information such as number of employees working in the building and number of laptops or other computers being used in the building. If data for 50% of the building is missing, the Energy Star reporting tool will not allow the building owner to complete the report.

Many commercial tenants will refuse to provide building owners with their energy bills or number of employees in the building or number of laptops or other computers or the many other items of information that the Energy Star tool requires in order to submit a report. Even if commercial tenants were willing to report the number of employees working in the building, in many cases, the number would be different every day, because so many employees continue to work from home on some days.

Smart Growth and other stakeholders have raised this issue with city staff repeatedly, and the response we have received is that the building owner should just enter estimates if accurate data is not available from the commercial tenants. Smart Growth's members object to making up estimated numbers to input into the Energy Star tool to complete a report that is of no value because the numbers are just made up, and to be coerced into doing so by the threat of being fined for failing to report.

The proposed ordinance requires landlords to communicate to the city government information about the landlord and tenants, which is explicitly prohibited by Wisconsin Statutes section 66.0104(d)(2). The city attorney's office has interpreted this state statute in a way that it would not apply to this ordinance, but if someone sues the city government about this ordinance, the court might apply the plain language of the state statute rather than the city attorney office's interpretation of the state statute. I am a lawyer, and I predict that if you ask the city attorney's office whether they would guarantee that a court will adopt and apply their interpretation of the state statute, they respond that they cannot guarantee that. I am not threatening a lawsuit, but if the proposed ordinance is adopted in its current form, there is a substantial chance that someone will sue the city and the city might lose.

When building owners have their HVAC systems checked by outside HVAC maintenance technicians, they ask for advice on how to make the HVAC system as efficient as possible. When boilers or windows or roofs need to be replaced, building owners invest in more energy efficient systems. Building owners are extremely aware of the cost of energy and motivated to reduce energy consumption and costs, and so are their commercial tenants. A mandatory program is not necessary.

It is unlikely that the recommendations of the tune up specialist will produce much savings because building owners and their commercial tenants already are motivated to make their buildings as energy efficient as is reasonable without sacrificing the comfort of the tenants.

We do not even know how much outside tune up consultants will charge for a tune up because we and the consultants do not know precisely what a tune up requires. In addition to paying the outside tune up consultant, the building owner will have to pay for weeks of work by its own staff to gather and provide the data required by the tune up specialists. It is unlikely that the tune ups will produce more savings than the total cost of the tune up.

The proposed ordinance lists building energy standards that will exempt a building from the ordinance. Please be advised that few commercial buildings will qualify for this exemption.

The proposed ordinance lists certifications that someone must have to be able to perform a tune up required by the ordinance. Building owners' in-house staff can perform the tune ups if they have one of these certifications. Please be advised that Smart Growth is not aware of any in-house building operations staff who have any of these certifications.

Thank you for your consideration.

Bill Connors  
Executive Director  
Smart Growth Greater Madison, Inc.  
608-228-5995 (mobile)



[www.smartgrowthgreatermadison.com](http://www.smartgrowthgreatermadison.com)

25 W Main St - 5th Floor, Suite 33  
Madison, WI 53703



## Price, Jessica M

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**From:** Don Ferber <d\_ferber@sbcglobal.net>  
**Sent:** Monday, January 23, 2023 12:52 PM  
**To:** Sustainable Madison Committee  
**Subject:** Building Energy Savings Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Members of the Sustainable Madison Committee,

I am writing to strong urge you to support the proposed Building Energy Savings Program. We have understood for many years how critical addressing climate change is, and Madison has made a commitment to significant reduce emissions in our community. However, one of my concerns is that the only real planning that has been laid out so far has to do with City operations, whereas the community itself creates at least 95% of our emissions. We can't wait until 2030 to begin to address that.

The Building Energy Savings Program is a vital program that can help significant reduce emissions from within a community, and set an example for moving forward for others to follow. While there are no mandates to act as part of this program, the current voluntary benchmarking has basically been a failure. That cannot be an option.

There has been some pushback from the business community which is a bit hard to fathom, especially with no mandates and that there would be support provided with this program. Why not be good community citizens as well as have opportunities to save money with good paybacks on improvements? Who doesn't want lower overhead, and when it comes to new or struggling businesses, lower utility bills would be seen as an advantage and also an equity issue. In Madison, being green is a point of advantage and being a good citizen in our community.

We all need to do our part to reduce our energy use and emissions in Madison, and we should be asking those who contribute most to the problem to step up and take action. Since large commercial building use a large portion of the 30% of energy use by the commercial sector, they should be asked to step forward and be part of the solution. They are obviously here since they find benefit from being in Madison. As such, they should return some of that benefit to supporting the values of the community in which they reside.

Don Ferber

## Price, Jessica M

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**From:** Fletcher Thomas Metz <fmetz@wisc.edu>  
**Sent:** Monday, January 23, 2023 12:26 PM  
**To:** Sustainable Madison Committee  
**Subject:** Building Energy Savings Program Ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Sustainable Madison Committee,

I am writing to implore you to pass the proposed *Building Energy Savings Program* ordinance.

As a climate scientist, I am extremely worried about the future of our planet and would love to see my city take more concrete steps toward a greener future. Large commercial buildings account for 30% of our community's greenhouse gas emissions, making them a great target for reducing carbon emissions. While the proposed *Building Energy Savings Program* ordinance does not require buildings to make fundamental changes to be more sustainable, research has shown that simply requiring benchmarking leads to reduced carbon emissions. This is a step in the right direction. If we cannot even pass this (relatively toothless) ordinance, then our city's priorities may be too misplaced to expect it to ever take meaningful action on climate. The citizens of Madison are counting on you to mitigate the climate crisis for the sake of us all. Please approve this project!

-Best, Fletcher Metz

**Price, Jessica M**

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**From:** Gail Nordheim <gailnordheim@gmail.com>  
**Sent:** Monday, January 23, 2023 11:43 AM  
**To:** Sustainable Madison Committee  
**Subject:** Please support the Building Energy Savings Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Members of the Sustainable Madison Committee:

**I write to express my strong support for the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly.**

Large commercial buildings account for 30% of our community's greenhouse gas emissions. The proposed *Building Energy Savings Program* ordinance not only will reduce those emissions, but also enable building owners and their tenants to reduce their energy costs. It is time our city joined some 50 other cities, counties and states that are successfully using this policy to reduce both emissions and energy bills.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. **Please approve this project!**

Sincerely,  
Gail Nordheim  
5418 Old Middleton Rd Apt 103  
Madison WI 53705

**From:** [Greg Higby](#)  
**To:** [Sustainable Madison Committee](#)  
**Subject:** Building Energy Savings Program  
**Date:** Monday, January 23, 2023 2:27:51 PM

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To the Members of the Sustainable Madison Committee:

**I write to express my support for the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly.**

Greg Higby  
1410 Drake Street  
Madison, WI 53711

**From:** [Hayley Tymeson](#)  
**To:** [Sustainable Madison Committee](#)  
**Subject:** In support of BESP  
**Date:** Monday, January 23, 2023 2:31:34 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi Sustainable Madison Committee,

I'm writing to express my enthusiastic support for the Building Energy Savings Program (BESP). I'm not going to say much, because this is frankly so common-sense.

Climate change is now globally accepted as a massive and terrifying problem that is both 1) causing huge problems right now, and 2) going to get much worse without serious action. In this context, energy benchmarking should *not* be a huge ask. This program will not require building owners to pour huge amounts of money into retrofitting, or to swear off non-renewable energy. This program would just make certain larger buildings track yearly energy usage, report it (using a free tool), and make minor tune-ups every four years. It has real potential to save building owners money, given benchmarking's proven track record at reducing energy usage. Cities and states across the country have *already done this*, so it's nothing new. Please support BESP.

Best,  
Hayley Tymeson  
2308 Kendall Avenue

**Price, Jessica M**

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**From:** Janet Niewold <janet.niewold@gmail.com>  
**Sent:** Monday, January 23, 2023 1:30 PM  
**To:** Sustainable Madison Committee  
**Subject:** Support for Building Energy Savings Program Ordinance

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Dear Members of the Sustainable Madison Committee:

As a Dane County resident, I am concerned about the negative impacts of climate change in Wisconsin. **I am writing to express my support for the proposed *Building Energy Savings Program (BESP) ordinance for large commercial buildings*.**

The positive impacts of this ordinance go beyond reducing carbon emissions in Madison. The resulting energy savings will have positive financial outcomes for building owners and tenants.

Thank you in advance for your efforts to reduce energy usage and combat climate change in Wisconsin. **Please approve this project!**

Sincerely,  
Janet Niewold  
1664 Borchert Rd  
Fitchburg, WI 53575

## Price, Jessica M

---

**From:** Jim Winkle <winkle.jim@yahoo.com>  
**Sent:** Monday, January 23, 2023 3:02 PM  
**To:** Sustainable Madison Committee  
**Subject:** Agenda Item: 3 75280 Creating Section 29.40 and Amending Section 1.08(3)(a)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear SMC members,

I support the new Building Energy Savings Program (BESP). We're in a climate crisis and this is relative minor program; personally, I'd like to see a requirement that buildings use increasing amounts of green energy over time.

This maybe isn't the best place to introduce a new idea for another program, but I'm a big fan of whole-house fans for cooling houses. I think they should be required for all new construction since it costs almost nothing to install it then.

To learn more about whole-house fans, including costs and energy/CO2 savings, see my article at <https://www.jimwinkle.com/sustainability/whole-house-fan>

Hopefully someone on the committee will consider this idea for the future.

Thanks!

-- jim

813 Emerson St, 53715

## Price, Jessica M

---

**From:** Keith Fuller <keithfuller01@gmail.com>  
**Sent:** Monday, January 23, 2023 1:23 PM  
**To:** Sustainable Madison Committee  
**Subject:** In support of BESP

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Sustainable Madison Committee:

I am concerned about the negative impacts of climate change in Wisconsin. **I am writing to express my support for the proposed *Building Energy Savings Program (BESP) ordinance for large commercial buildings.***

The positive impacts of this ordinance go beyond reducing carbon emissions in Madison. The resulting energy savings will have positive financial outcomes for building owners and tenants.

Thank you in advance for your efforts to reduce energy usage and combat climate change in Wisconsin. **Please approve this project!**

Sincerely,  
Keith Fuller  
1270 Twinleaf Lane  
Madison 53719



## Price, Jessica M

---

**From:** Kuntz, Kathryn <Kuntz.Kathryn@countyofdane.com>  
**Sent:** Friday, January 20, 2023 8:28 AM  
**To:** Sustainable Madison Committee  
**Subject:** BESP Comments

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Sustainable Madison Committee Members:

I respectfully submit these comments about the City's proposed Building Energy Savings Program (BESP) on behalf of the Dane County Office of Energy & Climate Change (OECC). The Office of Energy & Climate Change worked with a diverse group of public and private stakeholders to create the County's 2020 [Climate Action Plan](#) and we are leading efforts to reduce emissions both in county operations and on a countywide basis. Madison's proposed BESP will affect both county facilities located in Madison and the county's broader climate goals.

Relative to our operations, sixteen Dane County buildings will fall under the BESP with four of our facilities being subject only to the benchmarking requirement and a dozen of our facilities requiring benchmarking and tune-ups every four years.

Dane County already benchmarks its building energy use via ENERGY STAR Portfolio Manager and other software tools. Indeed, we benchmark numerous facilities that are smaller than 25,000 square feet as well as various County facilities located outside of the City of Madison because benchmarking helps us manage our energy costs. When we spend less money on energy we have more money for important county services.

Relative to tune-ups, Dane County has existing efforts to increase the energy efficiency of its buildings and to reduce emissions. In the 2022 budget County Executive Joe Parisi set the goal that Dane County facilities, fleet and land operations be carbon neutral by 2030. As part of that effort we are currently conducting a Comprehensive Energy Assessment of Dane County facilities to create a roadmap to deep decarbonization. We anticipate implementing energy efficiency and electrification projects identified in that assessment over coming years. Relative to the tune-up requirement, we appreciate that the BESP proposal enables entities with a substantial building portfolio (as is the case with Dane County) to propose our own tune-up schedule. That flexibility will enable us to address the best opportunities first in our ongoing energy efficiency efforts.

Relative to Dane County's broader countywide climate action goals, I would simply note that Madison's efforts to encourage benchmarking and energy efficiency efforts across larger commercial buildings will contribute to Dane County's countywide climate goals as well as the City's own goals.

Thank you,

**Kathy Kuntz, CC-P | Director**  
Dane County Office of Energy & Climate Change  
[Kuntz.kathryn@countyofdane.com](mailto:Kuntz.kathryn@countyofdane.com) | 608.283.1477  
*Due to COVID, working from home – cell: 608.772.5452*  
She/her/hers

**Visit our website – [www.DaneClimateAction.org](http://www.DaneClimateAction.org)**



Sent Securely via TLS from County of Dane by **Proofpoint**

## Price, Jessica M

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**From:** Marian Fredal <mhfredal@gmail.com>  
**Sent:** Monday, January 23, 2023 2:00 PM  
**To:** Sustainable Madison Committee  
**Subject:** Support: Building Energy Savings Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Members of the Sustainable Madison Committee:

**I write to express my strong support for the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly.**

Large commercial buildings account for 30% of our community's greenhouse gas emissions. The proposed *Building Energy Savings Program* ordinance not only will reduce those emissions, but also enable building owners and their tenants to reduce their energy costs. It is time our city joined some 50 other cities, counties and states that are successfully using this policy to reduce both emissions and energy bills.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. **Please approve this project!**

Sincerely,  
Marian Fredal  
1410 Drake St, Madison, WI 53711

**Price, Jessica M**

---

**From:** Marilee Sushoreba <marilee@350madison.org>  
**Sent:** Monday, January 23, 2023 1:14 PM  
**To:** Sustainable Madison Committee  
**Cc:** Evers, Tag  
**Subject:** Approve The Building Energy Savings Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Sustainable Madison Committee:

There are many substantial issues facing Madison. In my estimation, climate change is the most significant. How can we address everything else, if we don't first have a safe and healthy planet.

That is why I am writing to you today to **strongly endorse the proposed *Building Energy Savings Program ordinance*** that your committee will be reviewing.

Climate mitigation is going to take an all-out effort and no sector of our society will be spared contribution. Large commercial buildings represent 30% of Madison's greenhouse gas emissions. **The proposed *Building Energy Savings Program ordinance* will help reduce those emissions. Amazingly, the program will also aid building owners and their tenants in reducing their energy costs. It is a win-win.**

Please join the 50+ other cities, counties and states across the country that are successfully using this policy to reduce both emissions and energy bills.

**I urge you to approve the Building Energy and Savings Program ordinance.**

Best regards,

Marilee Sushoreba  
1818 Adams Street  
Madison, WI 53711

**From:** [Nancy Vedder-Shults](#)  
**To:** [Sustainable Madison Committee](#)  
**Subject:** BESP  
**Date:** Monday, January 23, 2023 2:44:11 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

5110 Spring Court  
Madison, Wisconsin 53705  
(608-231-3362)

Dear Members of the Sustainable Madison Committee:

The proposed "Building Energy Savings Program" (BESP) ordinance is an important addition to the sustainability efforts of the city of Madison. It would substantially reduce emissions from the approximately 700 largest commercial buildings in our city. By themselves, these edifices are responsible for 30% of the CO2 emissions from commercial buildings here in Madison. And commercial buildings are the second largest source of total city CO2 emissions after transportation. Reducing these carbon emissions will go a long way in limiting the damage of climate change, something we have to do for our children and grandchildren.

Sincerely,  
Nancy Vedder-Shults

## Price, Jessica M

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**From:** Nathan Spencer <nls08a@gmail.com>  
**Sent:** Monday, January 23, 2023 12:16 PM  
**To:** Sustainable Madison Committee  
**Subject:** I Support the Building Energy Savings Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Sustainable Madison Committee:

I'm writing in support of the Building Energy Savings Program. The businesses of Madison that will be affected by the ordinance are certainly important to the community.

That is why **community** is precisely what I ask you to consider when voting tonight. Madison is not a business park. We are a community. As members of the community, businesses have a responsibility to be accountable.

Beyond accountability, the energy savings realized through the implementation of this program will reduce our city's carbon footprint, while will lowering energy bills for business owners. This is a win-win if ever there was one. I hope you will support the BESP.

Respectfully,  
Nathan Spencer  
3005 Stevens St, Madison

**Price, Jessica M**

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**From:** Peggy ROSIN <peggy.rosin@wisc.edu>  
**Sent:** Monday, January 23, 2023 1:23 PM  
**To:** Sustainable Madison Committee  
**Subject:** Approve the Building Energy Savings Program ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Members of the Sustainable Madison Committee:

**I strongly support the proposed *Building Energy Savings Program ordinance***

I am at a loss as to why the Greater Madison Area Chamber of Commerce opposes the BESP ordinance. My understanding of the ordinance is that it will have buildings benchmark their energy use without requiring changes to make buildings more energy efficient. Large commercial buildings account for 30% of our community's greenhouse gas emissions. The proposed *Building Energy Savings Program ordinance* may not only reduce those emissions, but also enable building owners and their tenants to reduce their energy costs. It is time our city joined some 50 other cities, counties and states that are successfully using this policy to reduce both emissions and energy bills.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. **Please approve this project!**

Sincerely,  
Peggy Rosin  
1515 Vilas Avenue  
Madison, WI 53711

**From:** [Rachel Robillard](#)  
**To:** [Sustainable Madison Committee](#)  
**Subject:** BESP Support  
**Date:** Monday, January 23, 2023 2:13:06 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Committee Members,

I'm writing to give my **strong support** for the proposed Building Energy Savings Program (BESP) ordinance that you will be reviewing today.

This is a chance to address a HUGE chunk (30%) of our community's greenhouse gas emissions and is rightly putting the focus on our community's largest energy users. The proposed *BESP* ordinance not only will reduce those emissions but research has shown this will save them money. This is a win-win policy.

Madison is hardly blazing a new trail here. Over 50 other cities, counties and even whole states are *successfully* using this policy already. If cities in places like Ohio and Indiana are already on board, why isn't Madison?

This policy is a small ask for our community members, utilizing free software and estimating only a few hours of effort to start tracking these numbers each year. You can't manage what you can't or won't measure. The city has also shown a willingness to be flexible with the tune-ups which are zero-to-low-cost updates. There are no emissions targets associated. This is a bare minimum ask for the folks using so much of the energy in our city and with so much left to do to reduce harmful emissions in our community.

Thank you for your time,

--

Rachel Robillard



**From:** [Rebecca Finster](#)  
**To:** [Sustainable Madison Committee](#)  
**Subject:** Building Energy Savings Program  
**Date:** Monday, January 23, 2023 2:28:32 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello! I am writing in wholehearted support of the Building Energy Savings Program. This program is essential for our city and state and world.

So many states have adopted this avenue of smart management of energy in buildings. Climate concerns are very important, and this incremental program looks like it is just the ticket for our city.

YES to BESP!!!!

Rebecca Finster

**Price, Jessica M**

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**From:** Stephen Glass <sbglass1@me.com>  
**Sent:** Monday, January 23, 2023 11:30 AM  
**To:** Sustainable Madison Committee  
**Subject:** In support of Building Energy Savings Program proposed ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Members of the Sustainable Madison Committee:

**I write to express my strong support for the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly.**

Large commercial buildings account for 30% of our community's greenhouse gas emissions. The proposed *Building Energy Savings Program* ordinance not only will reduce those emissions, but also enable building owners and their tenants to reduce their energy costs. It is time our city joined some 50 other cities, counties and states that are successfully using this policy to reduce both emissions and energy bills.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. **Please approve this project!**

***More information about this proposed ordinance:***

- If this passes, Madison would join ~50 states, counties, and cities that have enacted similar ordinances.
- Non-residential commercial buildings 25,000+ sq. ft. will be required to benchmark energy usage annually. (The voluntary program the City had resulted in a 2% participation rate.)
- Additionally, non-residential commercial buildings 50,000+ sq. ft. will be required to do a building energy *tune-up* every four years.
- While this ordinance does not *require* commercial buildings to make changes based on data collected, [research shows](#) that simply tracking usage data leads to reductions in energy use.
- The city will offer free resources to help affected building owners meet the requirements of this ordinance.
- Read more about the ordinance [here](#).

Thank you for your consideration

Steve Glass  
1306 Seminole Highway  
Madison, WI. 53711

**From:** [Tanace Matthiesen](#)  
**To:** [Sustainable Madison Committee](#)  
**Subject:** Building Energy Savings Program  
**Date:** Monday, January 23, 2023 2:44:41 PM

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Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Sustainable Madison Committee:

I am concerned about the negative impacts of climate change in Wisconsin. **I am writing to express my support for the proposed *Building Energy Savings Program (BESP) ordinance for large commercial buildings.***

The positive impacts of this ordinance go beyond reducing carbon emissions in Madison. The resulting energy savings will have positive financial outcomes for building owners and tenants.

Thank you in advance for your efforts to reduce energy usage and combat climate change in Wisconsin. **Please approve this project!**

Sincerely,

Tanace Matthiesen  
5813 Piping Rock Rd, Madison, WI 53711

--

Tanace Matthiesen  
Vice President  
350 Madison Board of Directors  
[tanace.matthiesen@350Madison.org](mailto:tanace.matthiesen@350Madison.org)

"We can no longer afford to carry on in a prolonged era of polite reflection and ineffective resistance . . . We must invent overnight a new kind of civilization."  
Unknown

## City of Madison Economic Development Committee

### *Policy 75280*

#### *Commercial building energy benchmarking and tune-ups*

*January 18, 2023*

Honorable members of the Economic Development Committee of the City of Madison. On behalf of SSM Health we want to thank you for the opportunity to provide written comments regarding Policy 75280 which relates to commercial building energy use, benchmarking, and tune-ups. Our organization appreciates the work done by the City on this issue and the intended potential outcomes of a policy like this. While the goals are laudable, we would respectfully request that adequate time for stakeholder and business review and engagement – including our own – be taken into consideration when acting on this policy.

SSM Health ([www.ssmhealth.com/about](http://www.ssmhealth.com/about)) is a Catholic, not-for-profit health system serving the comprehensive health needs of communities across the Midwest through a robust and fully integrated health care delivery system. In Wisconsin alone the organization has approximately 14,500 employees and physicians, and these individuals are committed to providing exceptional health care services and revealing God's healing presence to everyone they serve. Our footprint in the state includes seven hospitals, including St. Mary's Hospital in Madison, ten post-acute care facilities, and more than 85 physician offices and other outpatient care sites. SSM Health also serves nearly 398,000 lives through Dean Health Plan, making it one of the largest and most diversified HMOs in the Midwest.

Additionally, our organization takes our energy use and environmental sustainability seriously. Last year SSM Health signed onto the Climate Pledge set forth by President Biden's Administration, which looks to decarbonize the health care sector and make health care facilities more resilient to the effects of climate change. Our President and CEO Laura S. Kaiser, FACHE, illustrated our commitment by stating, "as health care leaders, we know the health of individuals depends on the health of our communities, the health of the nation and the health of the planet – so we are pleased to join this important initiative."

In relation to Policy 75280, staff from our organization participated in workshop meetings hosted in the summer of 2022. We found those helpful and fairly productive. However, our team did not receive any additional communication about the outcomes of those meetings nor the final policy until January 17, 2023; yesterday.

Given the number of facilities our organization owns and operates in the City of Madison, our team is still determining all the potential impacts this policy would have on our organization and would respectfully appreciate more time for a thorough review and engagement with the City and staff on this important issue. We want to be clear that SSM Health does not currently have a position on Policy 75280. Our intention with these comments is to convey the fact that our staff, and likely other stakeholders, would benefit from additional time to analyze this work.

We apologize that prior commitments kept us from being able to attend this hearing and speak directly on this policy, but we thank you again for the opportunity to provide these brief comments and for your work for the City and its residents. If you have any questions please feel free to reach out to SSM Health's Director of Government Affairs, Ben Van Pelt, at [benjamin.vanpelt@ssmhealth.com](mailto:benjamin.vanpelt@ssmhealth.com).

## Price, Jessica M

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**From:** Van Pelt, Benjamin <Benjamin.Vanpelt@ssmhealth.com>  
**Sent:** Monday, January 23, 2023 4:11 PM  
**To:** Van Pelt, Benjamin  
**Cc:** Sustainable Madison Committee  
**Subject:** FW: SSM Health comments on Policy 75280  
**Attachments:** 2023.1.18\_SSM.Health\_CityMSN.EconDevelopmentCommittee\_Policy75280\_WrittenComments\_FINAL.pdf

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good Afternoon Members of the City's Sustainable Madison Committee (recipients Bcc'ed),

I apologize for the last-minute nature of this communication, but I wanted to share our organization's brief comments on Policy 75280 that were sent to your Economic Development Committee counterparts last week; you can find those comments attached.

These have not been updated for tonight's meeting, but we appreciated the Economic Development Committee's vote to defer action on this policy as it will afford us more time to review and engage on this important topic.

Please be well,

**Ben Van Pelt | Director of Government Affairs**  
**SSM Health - Wisconsin**

1808 W. Beltline Hwy, Madison, WI 53713  
Cell: 815-474-3973  
Phone: 608-260-3527  
[Benjamin.VanPelt@ssmhealth.com](mailto:Benjamin.VanPelt@ssmhealth.com)

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**From:** Van Pelt, Benjamin  
**To:** Van Pelt, Benjamin  
**Cc:** EDC@cityofmadison.com  
**Subject:** SSM Health comments on Policy 75280

Good Afternoon Members of the City of Madison Economic Development Committee (recipients Bcc'ed),

Prior to your meeting later this evening I wanted to share the brief, attached comments with you on Policy 75280, which is included in your agenda.

We want to apologize, but due to previous commitments I will not be able to participate in tonight's meeting. Please accept these comments in lieu of our attendance.

Thank you,

**Ben Van Pelt | Director of Government Affairs**  
**SSM Health - Wisconsin**

1808 W. Beltline Hwy, Madison, WI 53713  
Cell: 815-474-3973

Office: 608-260-3527

[Benjamin.VanPelt@ssmhealth.com](mailto:Benjamin.VanPelt@ssmhealth.com)

[ssmhealth.com](http://ssmhealth.com)



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we reveal the healing presence of God.

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## Price, Jessica M

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**From:** Deanna Grahn <grahnd63@gmail.com>  
**Sent:** Monday, January 23, 2023 3:27 PM  
**To:** Sustainable Madison Committee  
**Subject:** Please approve the BESP ordinance!!!!

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Sustainable Madison Committee:

Time's up!!! Madison and WI need to step and lead rather than drag our feet to address ways to conserve energy and reduce carbon emissions. This is so long overdue. I appreciate the efforts of this committee and I am in **support for the proposed *Building Energy Savings Program (BESP) ordinance for large commercial buildings***.

The positive impacts of this ordinance go beyond reducing carbon emissions in Madison. The resulting energy savings will have positive financial outcomes for building owners and tenants.

Thank you in advance for your efforts to reduce energy usage and combat climate change in Wisconsin. **Please approve this project!**

Thank you,

Deanna Grahn  
Madison WI

## Price, Jessica M

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**From:** Grace Martin <grace.martin@350wisconsin.org>  
**Sent:** Monday, January 23, 2023 3:55 PM  
**To:** Sustainable Madison Committee  
**Subject:** Please approve the proposed Building Energy Savings Program ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Sustainable Madison Committee:

I am concerned about the negative impacts of climate change in Wisconsin. **I am writing to express my support for the proposed *Building Energy Savings Program (BESP) ordinance for large commercial buildings.***

The positive impacts of this ordinance go beyond reducing carbon emissions in Madison. The resulting energy savings will have positive financial outcomes for building owners and tenants.

Thank you in advance for your efforts to reduce energy usage and combat climate change in Wisconsin. **Please approve this project!**

Sincerely,  
Grace Martin

212 N Dickinson Street  
Madison, WI 53703

--

Grace Martin  
Political Fellow  
350 Wisconsin Action  
[grace.martin@350wisconsin.org](mailto:grace.martin@350wisconsin.org)



**Price, Jessica M**

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**From:** Janice Knapp-Cordes <janice.knappcordes@gmail.com>  
**Sent:** Monday, January 23, 2023 3:45 PM  
**To:** Sustainable Madison Committee  
**Subject:** Please approve the proposed Building Energy Savings Program ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Sustainable Madison Committee:

Climate change has been a concern of mine for over twenty years. I am concerned about the negative impacts of climate change in Wisconsin. **I write to express my strong support for the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly.**

Large commercial buildings account for 30% of our community's greenhouse gas emissions. The proposed *Building Energy Savings Program* ordinance not only will reduce those emissions, but also enable building owners and their tenants to reduce their energy costs. While this ordinance does not *require* commercial buildings to make changes based on data collected, research shows that simply tracking usage data leads to reductions in energy use. If data shows that a business could save money, why would they not implement changes!

The positive impacts of this ordinance go beyond reducing carbon emissions in Madison. The resulting energy savings will have positive financial outcomes for building owners and tenants.

Thank you in advance for your efforts to reduce energy usage and combat climate change in Wisconsin. **Please approve this project!**

Sincerely,

Janice Knapp-Cordes

--

Janice Knapp-Cordes she, her, hers  
615 W. Main Street #210  
Madison, WI 53703  
608.630.9088  
cell: 608.977.1867

## Price, Jessica M

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**From:** Judy Stadler <judy.stadler@350wisconsin.org>  
**Sent:** Monday, January 23, 2023 4:12 PM  
**To:** Sustainable Madison Committee  
**Subject:** Please support energy benchmarking in commercial buildings

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please approve the ordinance requiring energy benchmarking in city commercial buildings. I live in Fitchburg and I want this to happen in my city and we need Madison to be a model for this very sensible first step. My husband and I are doing what we can to reduce our greenhouse gas emissions by installing rooftop solar and an EV charging station on our residence. We need the commercial business sector to step up as well. Benchmarking is the very least building owners can do to help plan for reducing greenhouse gas emissions. Thank you.  
Judith Stadler  
Fitchburg

## Price, Jessica M

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**From:** Aulik, Juli A <JAulik@uwhealth.org>  
**Sent:** Monday, January 23, 2023 5:03 PM  
**To:** Sustainable Madison Committee  
**Cc:** Aulik, Juli A  
**Subject:** UW Health message to EDC about certification requirements in Building Energy Savings Code: sharing with Sustainability committee

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear members of the Madison Sustainability Committee, I'm listening to your discussion of emails you have received and I thought you might be interested in our comments to EDC. We are still working on the issue we describe below so not offering anything this evening. Thank you, Juli

Juli Aulik (she/her/hers)  
Director, Community Relations  
UW Health

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**From:** Aulik, Juli A <JAulik@uwhealth.org>  
**Sent:** Wednesday, January 18, 2023 6:23 PM  
**To:** 'edc@cityofmadison.com' <edc@cityofmadison.com>  
**Cc:** Statz, Mary C <MStatz3@uwhealth.org>; Aulik, Juli A <JAulik@uwhealth.org>  
**Subject:** UW Health testimony and follow up on staff comments about certification requirements

Dear economic development committee members, below please find Mary Statz's testimony that she offered to you verbally. In response to staff's answer to Alder Evers' question, our reading of the proposed ordinance is that it only provides "additional qualified certifications as the Administrator deems appropriate." This provision continues to require certification of some sort. Jessica Price's answer asserted that our staff could get certified. We object to the idea that our staff would need to get certified for "quality control." The proposed ordinance does not allow the administrator to approve staff based on experience alone, that is why we made the request we did in our testimony, that the language be amended to consider experience or certification. Thank you, Juli

Juli Aulik (she/her/hers)  
Director, Community Relations  
UW Health

Good evening. I oversee energy management and sustainability for UW Health and was engaged in the summer workshops about this ordinance. UW Health is very committed to energy conservation and sustainability. In 2016, UW Health committed to the US Department of Energy's Better Buildings Challenge setting the goal of a 20% energy use intensity reduction from a 2013 baseline by 2023. We surpassed our goal six years ahead of schedule by achieving a 24% reduction. In 2022 UW Health signed the US Department of Energy's Better Climate Challenge, committing to reducing our greenhouse gas emissions by 50% in 10 years.

While UW Health supports the goals of the ordinance, I oppose the certification requirement outlined for the "tune up specialist": UW Health has over 100 employees in our maintenance and engineering department that specialize in maintaining our heating and ventilation systems every day. They do not have the certifications listed in the proposed ordinance, but they are technically savvy and highly-skilled at what they do. They are invaluable in their knowledge of

our buildings and their mechanical systems, and in helping UW Health reduce energy use. They also have expertise specific to healthcare which is of fundamental importance on many levels. They deliver results for us every day.

Our staff can meet the requirements of the proposed ordinance. There isn't a need for UW Health to hire outside consultants. That would at best be duplicative and expensive – at a time when healthcare certainly cannot afford an additional, unnecessary expense – and do not help advance the goals of the proposed ordinance or our well-established internal priorities.

I'll share an example: We recently went through an energy efficiency project in our operating rooms at East Madison Hospital. Operating rooms use 5-6 times more energy than the rest of the hospital. Two UW Health staff were involved in this project, both highly qualified but did not have the certifications listed. In the end, this project is saving us over 190 thousand kilowatt hours and 7,500 therms annually. We could have saved more, but our staff were aware of an issue that would trip the duct static pressure sensor. Third party certified staff would not have been aware of the nuances of our building systems and could have compromised the outcome in our operating rooms.

While the proposed ordinance does include a provision that allows "additional qualified certifications as the Administrator deems appropriate," that does not address our concerns.

We propose a less-prescriptive approach that explicitly allows employees deemed qualified by their employer to be qualified as "tune up specialists." Alternatively, the Administrator should be instructed to consider experience only and not require certifications.

Thank you.

**Price, Jessica M**

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**From:** Liz Hachten <lizhachten@gmail.com>  
**Sent:** Monday, January 23, 2023 3:38 PM  
**To:** Sustainable Madison Committee  
**Subject:** Please support the proposed Building Energy Savings Program ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Sustainable Madison Committee:

**I am writing to express my support for the proposed *Building Energy Savings Program (BESP) ordinance for large commercial buildings*.**

As a Madison resident who is deeply concerned about climate change, I wholeheartedly endorse the City's commitment to cut our collective GHG emissions in half by 2030. But it is clear that we will not be able to meet this goal without significant reductions in emissions from the crucial commercial building sector, especially the largest buildings that account for the highest proportion of those emissions.

The proposed BESP ordinance is modeled on similar programs in several dozen other locales that have been successful in reducing emissions while producing cost savings for building owners and tenants alike - and all without deleterious effects on local economies. Given the failure of Madison's previous voluntary benchmarking program, it is time for us to adopt a mandatory benchmarking and tune-up program that will spur investments in our energy future while providing concrete benefits in Madison and beyond.

**Thank you in advance for acting on behalf of the community and the climate by approving this proposed ordinance.**

Sincerely,  
Elizabeth Hachten  
634 Odell Street  
Madison, WI 53711

## Price, Jessica M

---

**From:** Mike Friend <mjfriend0316@gmail.com>  
**Sent:** Monday, January 23, 2023 4:11 PM  
**To:** Sustainable Madison Committee  
**Subject:** Please Approve the BESP!

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Sustainable Madison Committee:

I am concerned about the negative impacts of climate change in Wisconsin. I am writing to express my support for the proposed Building Energy Savings Program (BESP) ordinance for large commercial buildings.

The positive impacts of this ordinance go beyond reducing carbon emissions in Madison. The resulting energy savings will have positive financial outcomes for building owners and tenants.

Thank you in advance for your efforts to reduce energy usage and combat climate change in Wisconsin. Please approve this project!

Sincerely,

Michael Friend

2562 Prairie Ave, Evanston, IL 60201

# Public Comment Registrants Report

Sustainable Madison Committee On 01/23/23 4:30 PM				Representing Organization			Lobbying	
Agenda Item Registered	Name	Support	Speaking	Y/N	Name(s)	Paid	Duties	Rep
<b>AGENDA ITEM: 1 Public Comment</b>								
1 01/23/23 03:17 PM	<b>DEANNA GRAHN</b> District: 16 1022 Painted Post Rd Madison, WI WI 53716	Support	No, I do not want to speak.	No				
		<b>Support: 1 Opposed: 0 Neither: 0</b> Counts distinct registrants and removes duplicate votes						
<b>AGENDA ITEM: 3 Creating Section 29.40 and Amending Section 1.08(3)(a)</b>								
3 01/23/23 04:04 PM	<b>DON FERBER</b> District: 15 4700 Allis Ave Madison WI 53716	Support	Yes, I want to speak.	Yes	Four Lakes Group Sierra Club 754 Williamson St Madison, WI 53703 608-256-9565	No	No	
3 01/23/23 04:18 PM	<b>DAVID AGUAYO</b> District: 4 1 S. Pinckney St 330 Madison WI 53703	Oppose	Yes, I want to speak.	Yes	Greater Madison Chamber of Commerce 1 S. Pinckney Street STE 330 Madison, WI 53703 6084431963	Yes	Yes	Yes
3 01/23/23 04:33 PM	<b>TAG EVERS</b> District: 13 2329 Keyes Avenue Madison WI 53711	Support	Yes, I want to speak.	Yes	District 13 alder	No	No	
		<b>Support: 2 Opposed: 1 Neither: 0</b> Counts distinct registrants and removes duplicate votes						
		<b>Total Registrants: 4</b>						
		<b>Meeting Watchlist: 16</b>						

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: UW Health testimony and follow up on staff comments about certification requirements  
**Date:** Wednesday, January 18, 2023 7:34:30 PM

---

**From:** Aulik, Juli A <JAulik@uwhealth.org>  
**Sent:** Wednesday, January 18, 2023 6:23 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Cc:** Statz, Mary C <MStatz3@uwhealth.org>; Aulik, Juli A <JAulik@uwhealth.org>  
**Subject:** UW Health testimony and follow up on staff comments about certification requirements

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Dear economic development committee members, below please find Mary Statz's testimony that she offered to you verbally. In response to staff's answer to Alder Evers' question, our reading of the proposed ordinance is that it only provides "additional qualified certifications as the Administrator deems appropriate." This provision continues to require certification of some sort. Jessica Price's answer asserted that our staff could get certified. We object to the idea that our staff would need to get certified for "quality control." The proposed ordinance does not allow the administrator to approve staff based on experience alone, that is why we made the request we did in our testimony, that the language be amended to consider experience or certification. Thank you, Juli

Juli Aulik (she/her/hers)  
Director, Community Relations  
UW Health

Good evening. I oversee energy management and sustainability for UW Health and was engaged in the summer workshops about this ordinance. UW Health is very committed to energy conservation and sustainability. In 2016, UW Health committed to the US Department of Energy's Better Buildings Challenge setting the goal of a 20% energy use intensity reduction from a 2013 baseline by 2023. We surpassed our goal six years ahead of schedule by achieving a 24% reduction. In 2022 UW Health signed the US Department of Energy's Better Climate Challenge, committing to reducing our greenhouse gas emissions by 50% in 10 years.

While UW Health supports the goals of the ordinance, I oppose the certification requirement outlined for the "tune up specialist": UW Health has over 100 employees in our maintenance and engineering department that specialize in maintaining our heating and ventilation systems every day. They do not have the certifications listed in the proposed ordinance, but they are technically savvy and highly-skilled at what they do. They are invaluable in their knowledge of our buildings and their mechanical systems, and in helping UW Health reduce energy use. They also have expertise specific to healthcare which is of fundamental importance on many levels. They deliver results for us every day.



Our staff can meet the requirements of the proposed ordinance. There isn't a need for UW Health to hire outside consultants. That would at best be duplicative and expensive – at a time when healthcare certainly cannot afford an additional, unnecessary expense – and do not help advance the goals of the proposed ordinance or our well-established internal priorities.

I'll share an example: We recently went through an energy efficiency project in our operating rooms at East Madison Hospital. Operating rooms use 5-6 times more energy than the rest of the hospital. Two UW Health staff were involved in this project, both highly qualified but did not have the certifications listed. In the end, this project is saving us over 190 thousand kilowatt hours and 7,500 therms annually. We could have saved more, but our staff were aware of an issue that would trip the duct static pressure sensor. Third party certified staff would not have been aware of the nuances of our building systems and could have compromised the outcome in our operating rooms.

While the proposed ordinance does include a provision that allows “additional qualified certifications as the Administrator deems appropriate,” that does not address our concerns.

We propose a less-prescriptive approach that explicitly allows employees deemed qualified by their employer to be qualified as “tune up specialists.” Alternatively, the Administrator should be instructed to consider experience only and not require certifications.

Thank you.

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Agenda Item 75280  
**Date:** Wednesday, January 18, 2023 4:44:38 PM  
**Attachments:** [image001.png](#)

---

**From:** Joe Duperre <Joe.Duperre@cblproperties.com>  
**Sent:** Wednesday, January 18, 2023 3:38 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Agenda Item 75280

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Dear Committee members,  
I urge you to take issue of a forced benchmarking program and revisit the city's own legislative directive to establish a voluntary program as a first step in this process. At the very least, have more discussion on the matter rather than rushing it through the process. Thank you for your time.  
Best,  
Joe

**Joe Duperre Jr | Senior General Manager**

East Towne Mall | West Towne Mall  
[Joe.Duperre@cblproperties.com](mailto:Joe.Duperre@cblproperties.com)

West Towne Mall | 66 West Towne Mall | Madison WI 53719  
Direct 608-841-4000

East Towne Mall | 89 East Towne Mall | Madison WI 53704  
Phone 608-841-4000



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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Benchmarking Program  
**Date:** Wednesday, January 18, 2023 11:59:33 AM  
**Attachments:** [image002.png](#)

---

**From:** Mike Herl <mike.herl@madisoncommercialre.com>  
**Sent:** Wednesday, January 18, 2023 8:21 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Benchmarking Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

EDC members,

As a member of Smart Growth here in Madison, I urge you to oppose the mandatory benchmarking program and revisit the city's own legislative directive to establish a voluntary program. We all agree that something must be done to combat the effects of climate change but at what cost? Businesses are already struggling to recover from a global pandemic.

Thank you.

**Mike Herl**  
Managing Broker | Principal  
Mobile 608-212-4623



**Madison Commercial Real Estate LLC**  
5609 Medical Circle, Suite 202  
Madison, WI 53719 | Wisconsin

<http://www.madisoncommercialre.com>

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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: BESP Comments  
**Date:** Wednesday, January 18, 2023 11:59:23 AM  
**Attachments:** [image003.png](#)

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**From:** Kuntz, Kathryn <Kuntz.Kathryn@countyofdane.com>  
**Sent:** Wednesday, January 18, 2023 8:30 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** BESP Comments

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Madison Economic Development Committee:

I respectfully submit these comments about the City's proposed Building Energy Savings Program (BESP) on behalf of the Dane County Office of Energy & Climate Change (OECC). The Office of Energy & Climate Change authored the County's 2020 [Climate Action Plan](#) and is leading efforts to reduce emissions both in county operations and on a countywide basis. Madison's proposed BESP will affect both county facilities located in Madison and the county's broader climate goals.

Relative to our operations, sixteen Dane County buildings will fall under the BESP with four of our facilities being subject only to the benchmarking requirement and a dozen of our facilities requiring benchmarking and tune-ups every four years.

Dane County already benchmarks its building energy use via ENERGY STAR Portfolio Manager and other software tools. Indeed, we benchmark numerous facilities that are smaller than 25,000 square feet as well as various County facilities located outside of the City of Madison.

Relative to tune-ups, Dane County has existing efforts to increase the energy efficiency of its buildings and to reduce emissions. In the 2022 budget County Executive Joe Parisi set the goal that Dane County facilities, fleet and land operations be carbon neutral by 2030. As part of that effort we are currently conducting a Comprehensive Energy Assessment of Dane County facilities to create a roadmap to deep decarbonization. We anticipate implementing energy efficiency and electrification projects identified in that assessment over coming years. Relative to the tune-up requirement, we appreciate that the BESP proposal enables entities with a substantial building portfolio (as is the case with Dane County) to propose our own tune-up schedule. That flexibility will enable us to address the best opportunities first in our ongoing energy efficiency efforts.

Relative to Dane County's broader countywide climate action goals, I would simply note that Madison's efforts to encourage benchmarking and energy efficiency efforts across larger commercial buildings will contribute to Dane County's climate goals as well as the City's own goals.

Thank you,

**Kathy Kuntz, CC-P | Director**

Dane County Office of Energy & Climate Change

[Kuntz.kathryn@countyofdane.com](mailto:Kuntz.kathryn@countyofdane.com) | 608.283.1477

*Due to COVID, working from home – cell: 608.772.5452*

She/her/hers

**Visit our website – [www.DaneClimateAction.org](http://www.DaneClimateAction.org)**



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**Proofpoint**

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: BESP Support  
**Date:** Tuesday, January 17, 2023 11:09:18 AM

---

---

**From:** cjunterberger@gmail.com <cjunterberger@gmail.com>  
**Sent:** Monday, January 16, 2023 9:35 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** BESP Support

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Members of the Economic Development Committee:

**I write to express my strong support for the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly.**

Large commercial buildings account for 30% of our community's greenhouse gas emissions. The proposed *Building Energy Savings Program* ordinance not only will reduce those emissions, but also enable building owners and their tenants to reduce their energy costs.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. **Please approve this project!**

Sincerely,

**Chris Unterberger, PhD**

11 Dunraven Ct  
Madison, WI 53705

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Building Energy Benchmarking  
**Date:** Wednesday, January 18, 2023 11:58:18 AM

---

**From:** Chris Richards <chris.richards@colliers.com>  
**Sent:** Wednesday, January 18, 2023 11:30 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Building Energy Benchmarking

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Economic Development Committee members:

In a climate where getting employees to return to the office is difficult enough...this additional requirement further stresses an already difficult commercial real estate atmosphere. The City of Madison seems to take one step forward and two steps back when it comes to economic development. Madison has been successful in spite of itself and issues like energy benchmarking will make it even easier for companies to select suburban locations. I urge the members to walk around the Capitol at lunch and see how few restaurant options exist now versus 5 years ago. Now is not the time to further stress commercial owners, tenants and occupiers.

Please change the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280) to a voluntary program. Even if the new program remains mandatory, please revise it so that it does not require reporting of proprietary information to the city government. The ordinance makes the Madison city government the holder of the reported energy data, which is not appropriate, because once the city government has the data, it can be obtained by anyone through a public records request. This data is proprietary data of the building owners and their commercial tenants and should not be made public record that can be obtained by anyone.

Why must this data be reported to the city government? What is the city government planning to do with this data in the future? We understand the goal of the ordinance was to require the building owners to look at their data, which can be accomplished without reporting to the city government.

In order for the Energy Star reporting tool to work, the building owner must provide information for the entire building, not just parts of it. They also need to provide information such as number of employees working in the building and number of laptops or other computers being used in the building. If data for 50% of the building is missing, the Energy Star reporting tool will not allow the building owner to complete the report.

Many commercial tenants will refuse to provide building owners with their energy bills or number of employees in the building or number of laptops or other computers or the many other items of information that the Energy Star tool requires in order to submit a report. Even if commercial tenants were willing to report the number of employees working in the building,



in many cases, the number would be different every day, because so many employees continue to work from home post COVID.

Many stakeholders have raised this issue with the Mayor's office staff repeatedly, and the response received is that the building owner should just enter estimates if accurate data is not available from the commercial tenants. We object to making up estimated numbers to input into the Energy Star tool to complete a report that is of no value because the numbers are false, and to be coerced into doing so by the threat of being fined for failing to report.

When building owners have their HVAC systems checked by outside HVAC maintenance technicians, they ask for advice on how to make the HVAC system as efficient as possible. When boilers or windows or roofs need to be replaced, building owners invest in more energy efficient systems. Building owners are extremely aware of the cost of energy and motivated to reduce energy consumption and costs. A mandatory program is not necessary.

It is unlikely that the recommendations of the tune up specialist will produce much savings because building owners already are motivated to make their buildings as energy efficient as is reasonable without sacrificing the comfort of their tenants.

The cost of the “tune up” is vague because we do not know precisely what a tune up requires. In addition to paying the outside tune up consultant, the building owner will have to pay for weeks of work by its own staff to gather and provide the data required by the tune up specialists. It is unlikely that the tune ups will produce more savings than the total cost of the tune up.

Thanks,

Chris

**Chris Richards**

Managing Director | Madison  
Mobile +1 608 628 5895  
Main +1 608 826 9500 | Fax +1 414 276 9501  
[chris.richards@colliers.com](mailto:chris.richards@colliers.com)

**Colliers International**

316 W. Washington Ave | Suite 925  
Madison, WI 53703 | United States  
[www.colliers.com](http://www.colliers.com)

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Building Energy Savings Program  
**Date:** Tuesday, January 17, 2023 11:11:00 AM

---

**From:** Dianne Brakarsh <movingfromwithin@gmail.com>  
**Sent:** Thursday, January 12, 2023 5:22 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Building Energy Savings Program

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To the Members of the Economic Development Committee:

**I write to express my strong support for the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly.**

Large commercial buildings account for 30% of our community's greenhouse gas emissions. The proposed *Building Energy Savings Program* ordinance not only will reduce those emissions, but also enable building owners and their tenants to reduce their energy costs.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. **Please approve this project!**

Sincerely,  
Dianne Brakarsh  
2230 Hollister Avenue  
Madison, WI. 53726

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Energy Benchmarking and Tune Up Legistar 75280  
**Date:** Wednesday, January 18, 2023 4:44:48 PM

---

**From:** Aris Gialamas <aris@gialamas.com>  
**Sent:** Wednesday, January 18, 2023 3:01 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Cc:** bill@smartgrowthgreatermadison.com; Cathy O'Donnell <cathy@gialamas.com>  
**Subject:** Energy Benchmarking and Tune Up Legistar 75280

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Economic Development Committee members:

I'm writing you today on behalf of The Gialamas Company, Inc. and business owners that lease space in our buildings that have shared opinions on the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280). We feel strongly that more time and effort needs to be dedicated to this program and would ask that it be delayed to complete this important work or to change this to a voluntary program or to complete a beta study to see if results warrant a mandatory approach and will truly end in savings in energy and cost. Even if the new program remains mandatory, we are requested that it is changes so it does not require reporting of proprietary information to the city government.

The ordinance makes the Madison city government the holder of the reported energy data, which we feel is not appropriate. Once the city government has the data, it can be obtained by anyone through a public records request. The data required to be collected and the use of Energy Star as the data base we feel can produce very unreliable information and is not a true benchmarking tool due to several reasons:

- Use of space has changed drastically since the onset of COVID and hybrid and work from home situations are still largely the new normal. This has two effects, one being energy use in the winter increases without bodies and equipment running to offset mechanical heating and data gathered in the manner required is not accurate as there is no tool yet to calculate hybrid or work from home. Energy Star was contacted on this issue, and they have directed us to use staff counts and PC counts prior to COVID and not rely on current use. This is counter-productive, will provide inaccurate results and would appear to be a large waste of time and energy on the part of building owners.
- We have been informed by business owners that they will not provide staffing or technology count data for this purpose as they feel this is proprietary information and are not willing to share this. They also stressed that they are far more concerned right now with other important business matters with economy, staffing shortages and

process changes to allocate time to this effort.

- We have also been informed that building owners and tenants who pay for utility costs directly feel this is proprietary information that should not be shared publicly. We have talked to utility companies, and they feel that this is information that is proprietary to customers also.
- No information is required regarding to the type of building mechanical systems. This varies greatly building to building and drives various energy use. Electric heat vs gas, heat pumps vs VAV's, water cooling towers vs gas, etc. The data created from this method would not provide anything detailed enough to be of any value to building owners and is dangerous to compare one building type to another in this method.

One question we have is, what real value will this bring to the City and its residents if the data is not accurate or obtainable? Utility companies provide information on use of energy to property owners, and this is already being reviewed carefully by owners trying to find ways to reduce cost and use. Additional questions would be why must this data be reported to the city government and what is the city government planning to do with this data in the future? We were informed early in the process that the point of this was to require the building owners to look at the data, which can be done without requiring reporting to the city government.

Smart Growth, developers and other stakeholders have raised these concerns with the Mayor's office and staff repeatedly, and the response we have received is that the building owner should just enter estimates if accurate data is not available from the commercial tenants. Smart Growth's members object to making up estimated numbers to input into the Energy Star tool to complete a report that is of no value because the numbers are just made up, and to be coerced into doing so by the threat of being fined for failing to report.

Staffing for this effort is a critical concern as there is an extreme shortage of mechanical, maintenance, service staff in the City of Madison and many building owners are struggling just to meet the critical demands of maintaining their buildings. The City of Madison stated that they were working with MG&E and Alliant Energy to download usage information directly to help with this effort, but as of yesterday, we were informed that MG&E has not worked on this, and this is not possible at this time. One concern they have is that this is considered proprietary information for their customers, and they have not resolved this issue.

When building owners have their HVAC systems checked by outside HVAC maintenance technicians, they ask for advice on how to make the HVAC system as efficient as possible. When boilers or windows or roofs need to be replaced, building owners invest in more energy efficient systems. Building owners are extremely aware of the cost of energy and motivated to reduce energy consumption and costs. A mandatory program is not necessary.

It is unlikely that the recommendations of the tune up specialist will produce much savings because building owners already are motivated to make their buildings as energy efficient as is reasonable without sacrificing the comfort of their tenants.

We do not even know how much outside tune up consultants will charge for a tune up because we and the consultants do not know precisely what a tune up requires. In addition to paying the outside tune up consultant, the building owner will have to pay for weeks of work by its own staff to gather and provide the data required by the tune up specialists. It is unlikely that the tune ups will produce more savings than the total cost of the tune up.

The current ordinance states that some of the recommendations from a tune-up will be mandatory if minor in cost and nature, but how “minor” is defined and what is mandated in the future has yet to be fully defined. This is a concern to have a program administrator define and mandate what is required or what is a minimal cost to a building owner or business. There does not appear to be any way to appeal this either, so we feel more work should be completed in this area.

Most building owners are already completing many steps on an annual basis that would be included in a tune-up. They have mechanical service companies ensuring equipment is operating at maximum efficiency, they inspect pipes, exterior building shell, water and electrical functions and use. For these owners, this is an additional financial burden to hire a specialist and staff time required to support these inspections that will reduce the ability to use this time and money more wisely. The savings estimated will be minimal at best or non-existent for those that care for their properties. This additional cost can't be charged to tenants that have leases in place with very specific operating and other costs defined. We feel strongly that this is not understood or addressed in this program.

Thank you for your consideration.

Aris

**Aristotle George Gialamas, President**

The Gialamas Company, Inc. | [www.gialamas.com](http://www.gialamas.com)

[8040 Excelsior Drive, Suite 200 | Madison, WI 53717](http://www.gialamas.com)

Phone: [608.836.8000](tel:608.836.8000) | Fax: [608.836.7863](tel:608.836.7863) | Cell: [608.575.8000](tel:608.575.8000)

E-mail: [aris@gialamas.com](mailto:aris@gialamas.com)

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Energy Benchmarking Ordinance  
**Date:** Wednesday, January 18, 2023 11:59:01 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

---

**From:** Justin Nagel <j.nagel@adcidesign.com>  
**Sent:** Wednesday, January 18, 2023 9:49 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Energy Benchmarking Ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

EDC members,

I urge you to oppose the mandatory benchmarking program and revisit the city's own legislative directive to establish a voluntary program. We all agree that something must be done to combat the effects of climate change but at what cost? Businesses are already struggling to recover from a global pandemic.

Respectfully,

**Justin R. Nagel, MBA**

partner | vice president business operations

O 608.254.6181 | M 608.963.9305 | [adcidesign.com](http://adcidesign.com)



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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Energy Benchmarking  
**Date:** Wednesday, January 18, 2023 11:59:12 AM

---

**From:** Michael Carter <michael@gebhardtdevelopment.com>  
**Sent:** Wednesday, January 18, 2023 8:37 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Energy Benchmarking

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please revisit this program according to the standards set in 2015, Voluntary energy efficiencies and upgrades are daily routine and are always under consideration when managing our buildings. Our company has taken advantage of various programs that encourage energy efficiencies without any guidance from local government and will continue to do so. We are very concerned with the proprietary information requested becoming public record as this should not be a part of this program.

Respectfully

--

Michael Carter  
*Vice President of Operations*  
**Gebhardt Development**  
**Colonial Property Management**  
(608) 217 9515  
[michael@gebhardtdevelopment.com](mailto:michael@gebhardtdevelopment.com)

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Energy Benchmarking  
**Date:** Wednesday, January 18, 2023 11:59:44 AM

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**From:** Chris Konz <ckonz@migllc.biz>  
**Sent:** Wednesday, January 18, 2023 7:41 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Energy Benchmarking

Caution: This email was sent from an external source. Avoid unknown links and attachments.

EDC members,

I urge you to oppose the mandatory benchmarking program and revisit the city's own legislative directive to establish a voluntary program.

We all agree that something must be done to combat the effects of climate change but at what cost? Businesses are already struggling to recover from a global pandemic.

***Christopher Konz, CPA***  
Vice President, Finance  
MIG Commercial Real Estate, LLC

608-509-1000 (Main)  
608-509-1005 (Direct)  
608-509-1040 (Fax)

3001 West Beltline Hwy., Suite 202  
Madison, WI 53713  
[www.migllc.biz](http://www.migllc.biz)



**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Energy Benchmarking  
**Date:** Wednesday, January 18, 2023 5:17:55 PM  
**Attachments:** [Email Correspondence with Jessica Price.pdf](#)

---

**From:** Jim Ring <jimr@parktowne.com>  
**Sent:** Wednesday, January 18, 2023 4:51 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Energy Benchmarking

Caution: This email was sent from an external source. Avoid unknown links and attachments.

EDC Members,

The city instructed staff years ago to implement a voluntary program for energy benchmarking, yet that never occurred. Now, the city is trying to move right past that into a mandatory process without even having tried the voluntary route. The action before you tonight should be voted down in favor of a voluntary program.

I attended a listening session on the matter. Afterwards, I emailed back and forth with Jessica Price with some questions. I also downloaded a 147 page report from Seattle, where they tested this type of program against office buildings of 50,000-100,000 SF. I've attached a printout of that back and forth for your review. I did not have the opportunity to respond to her last email but have typed in a few comments in reply.

The city is selling this plan on data that 30% of greenhouse gas emissions come from commercial buildings. However, that is strictly a local number. The US EPA reports that commercial buildings nationally only contribute 7%, the second lowest source in the country. Given that climate change is national/global in scale and these buildings only contribute 7% on this scale, a minor improvement at local level commercial buildings will cost local owners and taxpayers much more than the benefit that will result for global climate change.

The city has estimated that tune-ups will cost an average of \$.15/SF and produce 12% average energy cost reductions. At these figures, Madison believes that this program **may** be cost neutral. However, Seattle found that the average cost was actually \$.21/SF and the actual benefit was only a 7% reduction in energy costs. So, their program ran 40% higher on cost with 40% less benefit than predicted. With those kind of results you can be sure the Madison program will be cost negative, again with little positive impact on global climate change.

The report also stated that office buildings would see one of the lowest benefits while school buildings saw more. This would make sense. Private owners with their own money invested are more likely to minimize their expenses since it's their own money. Why don't we start with

government buildings first and see how this goes?

Finally, the most prevalent changes required by the consultants in Seattle were changes to temperature and lighting settings and schedules. Basically, property owners are going to be told at what temperature to set their building and when to turn their heat and lights on and off. Again, we don't just waste money for the fun of it, we set our schedules for a reason. But that will only matter if the consultant agrees with our reasons, otherwise a change will be required. And we already spend thousands of dollars per year on HVAC check-ups that will catch most of the things the paid consultant will be looking for.

We have to try and get most of this information from our tenants and if they don't comply, the city will come down on them or we will just have to estimate data, which is basically of no value. This isn't just impacting a few building owners, but a majority of the businesses in the city. Again, a government building where they are the only tenant would be a good place to start.

This program should be voluntary and the results can then be analyzed to see what the true costs and benefits will be before jumping in with both feet with a mandatory program with a likely negative cost-benefit.

Thanks for your consideration.

Jim Ring  
President/CEO  
Park Towne  
402 Gammon Place, Suite 300  
Madison, WI 53719

P: 608.833.9044 ext 303

F: 608.833.1792

[ParkTowne.com](http://ParkTowne.com)

[ConservancyPlace.com](http://ConservancyPlace.com)



**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: I Support the Building Energy Savings Program  
**Date:** Tuesday, January 17, 2023 11:10:51 AM

---

**From:** Kathryn Pensack <katpen7@gmail.com>  
**Sent:** Thursday, January 12, 2023 6:05 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** I Support the Building Energy Savings Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello!

I am voicing my support for the Building Energy Savings Program as a good step toward reducing the CO2 output of commercial buildings. Virtually all buildings use energy all day long and as a result making them more efficient leads to significantly lowered CO2 production by the building.

Thank you,

Kathryn Pensack  
6th District resident  
Madison WI 53703

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Legistar 75280 - Please Oppose!  
**Date:** Wednesday, January 18, 2023 11:58:32 AM

---

**From:** Jennie Macaluso <jmacaluso@wamllc.net>  
**Sent:** Wednesday, January 18, 2023 11:03 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Legistar 75280 - Please Oppose!

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Dear Madison Economic Development Committee Members,

We are the institute for property and asset managers, providing complete knowledge to take on real estate management's most dynamic challenges. That means knowledge prepared for the day-to-day and the one-of-a-kind: from solving the latest tenant crisis to analyzing market conditions, including energy conservation. For over 85 years, our members have made us one of the world's strongest voice for all things real estate management. Today, almost 20,000 leaders in commercial and residential management call us home for learning, certifications, and networking.

We strongly urge you to oppose the mandatory benchmarking program. Property managers and building owners are well aware of energy costs and where savings can be achieved in their buildings. They are already committed to voluntary benchmarking and energy conservation implementation.

We ask that you revisit the city's own legislative directive to establish a voluntary program, as building owners are already struggling to recover from a global pandemic and rising interest rates. If you have any questions, please do not hesitate to contact me. Thank you.

Jennie Macaluso

IREM Milwaukee & IREM Madison

414-476-IREM

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Legistar 75280  
**Date:** Wednesday, January 18, 2023 2:24:33 PM

---

**From:** Michael Osborne <mikeo@advantageosborne.com>  
**Sent:** Wednesday, January 18, 2023 1:50 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Legistar 75280

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Economic Development Committee members:

Please change the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280) to a voluntary program. Even if the new program remains mandatory, please revise it so that it does not require reporting of proprietary information to the city government. The ordinance makes the Madison city government the holder of the reported energy data, which is not appropriate, because once the city government has the data, it can be obtained by anyone through a public records request. This data is proprietary data of the building owners and their commercial tenants and should not be made public record that can be obtained by anyone.

Why must this data be reported to the city government? What is the city government planning to do with this data in the future? We understand the goal of the ordinance was to require the building owners to look at their data, which can be accomplished without reporting to the city government.

In order for the Energy Star reporting tool to work, the building owner must provide information for the entire building, not just parts of it. They also need to provide information such as number of employees working in the building and number of laptops or other computers being used in the building. If data for 50% of the building is missing, the Energy Star reporting tool will not allow the building owner to complete the report.

Many commercial tenants will refuse to provide building owners with their energy bills or number of employees in the building or number of laptops or other computers or the many other items of information that the Energy Star tool requires in order to submit a report. Even if commercial tenants were willing to report the number of employees working in the building, in many cases, the number would be different every day, because so many employees continue to work from home post COVID.

Many stakeholders have raised this issue with the Mayor's office staff repeatedly, and the response received is that the building owner should just enter estimates if accurate data is not available from the commercial tenants. We object to making up estimated numbers to input into the Energy Star tool to complete a report that is of no value because the numbers are false,

and to be coerced into doing so by the threat of being fined for failing to report.

When building owners have their HVAC systems checked by outside HVAC maintenance technicians, they ask for advice on how to make the HVAC system as efficient as possible. When boilers or windows or roofs need to be replaced, building owners invest in more energy efficient systems. Building owners are extremely aware of the cost of energy and motivated to reduce energy consumption and costs. A mandatory program is not necessary.

It is unlikely that the recommendations of the tune up specialist will produce much savings because building owners already are motivated to make their buildings as energy efficient as is reasonable without sacrificing the comfort of their tenants.

The cost of the “tune up” is vague because we do not know precisely what a tune up requires. In addition to paying the outside tune up consultant, the building owner will have to pay for weeks of work by its own staff to gather and provide the data required by the tune up specialists. It is unlikely that the tune ups will produce more savings than the total cost of the tune up.

Thank you for your consideration.

Mike Osborne

**T. Michael Osborne, CCIM, SIOR**

Advantage Osborne, LLC  
2912 Marketplace Drive, Suite 106  
P.O. Box 8792  
Madison, WI 53708-8792  
Telephone: (608) 270-0446  
Fax: (608) 270-0562  
[www.advantageosborne.com](http://www.advantageosborne.com)



*Advantage Osborne, LLC*

See our listings! <http://propertydrive.com/c.asp?e=mikeo@advantageosborne.com>

What is a CCIM? <http://www.ccim.com/about/ccim.html>

What is a SIOR? <http://www.sior.com/index/html>

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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Legistar 75280  
**Date:** Wednesday, January 18, 2023 2:25:13 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)

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**From:** Mike Testa <miket@ogdenre.com>  
**Sent:** Wednesday, January 18, 2023 1:10 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Legistar 75280

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Economic Development Committee members:

I am writing today to ask for your to reconsider mandating building energy benchmarking and tune ups (Legistar 75280) and considering it a voluntary program, perhaps with an incentive to do so. Even if the new program remains mandatory, please revise it so that it does not require reporting of proprietary information to the city government. The ordinance makes the Madison city government the holder of the reported energy data, which is not appropriate, because once the city government has the data, it can be obtained by anyone through a public records request. This data is proprietary data of the building owners and their commercial tenants and should not be made public record that can be obtained by anyone.

My questions are below:

Why must this data be reported to the city government? What is the city government planning to do with this data in the future? We understand the goal of the ordinance was to require the building owners to look at their data, which can be accomplished without reporting to the city government.

In order for the Energy Star reporting tool to work, the building owner must provide information for the entire building, not just parts of it. They also need to provide information such as number of employees working in the building and number of laptops or other

computers being used in the building. If data for 50% of the building is missing, the Energy Star reporting tool will not allow the building owner to complete the report.

Many commercial tenants will refuse to provide building owners with their energy bills, number of employees in the building, number of laptops or other computers, or the many other items of information that the Energy Star tool requires in order to submit a report. Even if commercial tenants were willing to report the number of employees working in the building, in many cases, the number would be different every day, because so many employees continue to work from home post COVID.

Many stakeholders have raised this issue with the Mayor's office staff repeatedly, and the response received is that the building owner should just enter estimates if accurate data is not available from the commercial tenants. We object to making up estimated numbers to input into the Energy Star tool to complete a report that is of no value because the numbers are false, and to be coerced into doing so by the threat of being fined for failing to report.

When building owners have their HVAC systems checked by outside HVAC maintenance technicians, they ask for advice on how to make the HVAC system as efficient as possible. When boilers or windows or roofs need to be replaced, building owners invest in more energy efficient systems. Building owners are extremely aware of the cost of energy and motivated to reduce energy consumption and costs in order to decrease their operating costs. Lower operating costs mean two things: 1) A higher Net Operating Income (read: PROFIT and TAX REVENUE) or; 2) Lower NNN Expenses, which makes it easier to attract a tenant (read: PROFIT and TAX REVENUE). **A mandatory program is not necessary, as our industry is absolutely incentivized to undertake these energy-saving projects ourselves.** This is a violation of our rights as building owners, managers, and tenants, and infringes upon our freedom to operate in a competitive free market. The sharing of our proprietary information moves us closer to socialism and monopolism.

The cost of the "tune up" is vague because we do not know precisely what a tune up requires. In addition to paying the outside tune up consultant, the building owner will have to pay for weeks of work by its own staff to gather and provide the data required by the tune up specialists. It is unlikely that the tune ups will produce more savings than the total cost of the tune up.



**Michael A. Testa, ARM®**

Business Development Manager | Senior Brokerage Associate

Ogden & Company, Inc., AMO®

Main: (414) 276-5285 Cell: 414.270.4169

[www.ogdenre.com](http://www.ogdenre.com)

[1665 N. Water Street, Milwaukee, WI 53202](https://www.ogdenre.com/1665-N-Water-Street-Milwaukee-WI-53202)



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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Legistar 75280  
**Date:** Wednesday, January 18, 2023 2:24:20 PM

---

**From:** Brian Flad <bflad@flad-development.com>  
**Sent:** Wednesday, January 18, 2023 1:54 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Legistar 75280

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Greetings, EDC members –

I urge you to oppose the mandatory benchmarking program and revisit the city's own legislative directive to establish a voluntary program. We all agree that something must be done to combat the effects of climate change but at what cost? Businesses are already struggling to recover from a global pandemic and, frankly, that data collected will a) not be consistent; and b) not be accurate (should an owner even be able to collect the right info from commercial tenant(s)).

Plainly, many commercial tenants will refuse to provide building owners with their energy bills or number of employees in the building or number of laptops or other computers or the many other items of information that the Energy Star tool requires in order to submit a report. Even if commercial tenants were willing to report the number of employees working in the building, in many cases, the number would be different every day, because so many employees continue to work from home on some days.

This is overly burdensome to our great City's business community.

Thank you for the consideration.

Sincerely,  
Brian

**Brian Flad**  
Leasing and Management  
Flad Development & Investment Corp.

Direct: 608.443.4365

Cell: 608.577.3620

[bflad@flad-development.com](mailto:bflad@flad-development.com)

 **Flad Development  
& Investment Corp.**

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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Legistar 75280  
**Date:** Wednesday, January 18, 2023 4:44:58 PM

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**From:** Dale Dobroth <dale@sidcorrealestate.com>  
**Sent:** Wednesday, January 18, 2023 2:53 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Legistar 75280

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Economic Development Committee members:

Please change the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280) to a voluntary program. Even if the new program remains mandatory, please revise it so that it does not require reporting of proprietary information to the city government. The ordinance makes the Madison city government the holder of the reported energy data, which is not appropriate, because once the city government has the data, it can be obtained by anyone through a public records request. This data is proprietary data of the building owners and their commercial tenants and should not be made public record that can be obtained by anyone.

In order for the Energy Star reporting tool to work, the building owner must provide information for the entire building, not just parts of it. They also need to provide information such as number of employees working in the building and number of laptops or other computers being used in the building. If data for 50% of the building is missing, the Energy Star reporting tool will not allow the building owner to complete the report.

As a building owner we have our HVAC systems checked by outside HVAC maintenance technicians, they ask for advice on how to make the HVAC system as efficient as possible. When boilers or windows or roofs need to be replaced, building owners invest in more energy efficient systems. Building owners are extremely aware of the cost of energy and motivated to reduce energy consumption and costs. A mandatory program is not necessary.

It is unlikely that the recommendations of the tune up specialist will produce much savings because building owners already are motivated to make their buildings as energy efficient as is reasonable without sacrificing the comfort of their tenants.

The cost of the "tune up" is vague because we do not know precisely what a tune up requires. In addition to paying the outside tune up consultant, the building owner will have to pay for weeks of work by its own staff to gather and provide the data required by the tune up specialists. It is unlikely that the tune ups will produce more savings than the total cost of the tune up.

Thank you

Oakwash Associates LLC

3003 E Washington Ave

Dale Dobroth

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Legistar 75280  
**Date:** Wednesday, January 18, 2023 5:18:08 PM

---

**From:** Wolff, Brian @ Madison <Brian.Wolff@cbre.com>  
**Sent:** Wednesday, January 18, 2023 5:14 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Legistar 75280

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear EDC members,

As an active member of the commercial real estate industry I urge you to oppose the mandatory benchmarking program and revisit the city's own legislative directive to establish a voluntary program. Businesses are already struggling to recover from a global pandemic and rising interest rates.

Please change the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280) to a voluntary program. Even if the new program remains mandatory, please revise it so that it does not require reporting of proprietary information to the city government. The ordinance makes the Madison city government the holder of the reported energy data, which is not appropriate, because once the city government has the data, it can be obtained by anyone through a public records request. This data is proprietary data of the building owners and their commercial tenants and should not be made public record that can be obtained by anyone.

**Brian Wolff**

Vice President  
CBRE | Advisory & Transaction Services  
10 Doty Street, 4<sup>th</sup> Floor  
Madison, WI 53703  
T +1 608 441 7572 | C +1 608 513 9653  
[brian.wolff@cbre.com](mailto:brian.wolff@cbre.com) | [LinkedIn](#)

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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: letter in support of BESP  
**Date:** Wednesday, January 18, 2023 11:58:11 AM

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**From:** Molly Noble <mollynoble@gmail.com>  
**Sent:** Wednesday, January 18, 2023 11:38 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** letter in support of BESP

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Madison Economic Development Committee,

I'm writing to express my strong support of the Mayor's legislation to advance the BESP. Building Energy Savings Program. I've been a proud resident of Madison for the past 16 years and plan to be a resident for at least the next 16. This policy is a no-brainer and a necessary step if Madison is to remain a responsible steward of the land on which we reside, the air of which we breathe and this big blue marble we call home.

I put my trust in you to make the right decision and move this policy forward.

With thanks,

Molly

Molly Noble  
2225 West Lawn Ave, Madison WI 53711

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Mandatory energy benchmarking program  
**Date:** Wednesday, January 18, 2023 2:25:43 PM  
**Attachments:** [image001.png](#)

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**From:** David Keller <david@kellerrealestategroup.com>  
**Sent:** Wednesday, January 18, 2023 12:21 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Mandatory energy benchmarking program

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Economic Development Committee members:

As a life-long resident of the City of Madison and over 40 years of experience in owning commercial real estate in the city, I urge you to **oppose** the mandatory benchmarking program and revisit the city's own legislative directive to establish a voluntary program. Businesses and owners of commercial real estate are already struggling to recover from a global pandemic. The cost of this mandatory program to building owners will be extensive in terms of the number of hours it will take to fill out the forms and comply. I urge you to modify the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280) to a **voluntary program**.

What is the city of Madison government planning to do with this data in the future? For the Energy Star reporting tool to work, the building owner must provide information for the entire building, not just parts of it, and provide information such as number of employees working in the building and number of laptops or other computers being used in the building. If data for 50% of the building is missing, the Energy Star reporting tool will not allow the building owner to complete the report and the resulting data will be incomplete and of no value to anyone.

Many commercial tenants may refuse or be unable (as we all know remote working is changing the world we live in) to provide building owners with their direct billed energy costs or number of employees in the building or number of laptops or other computers or the many other items of information that the Energy Star tool requires in order to submit a report. Even if commercial tenants were willing to report the number of employees working in the building, in many cases, the number would be different every day.

Smart Growth and other stakeholders have raised this issue with the Mayor's office staff repeatedly. The response we have received is that the building owner should just enter estimates if accurate data is not available from the commercial tenants. Building owners will be hesitant to make up estimated numbers to input into the Energy Star tool. As they should be. To be coerced into doing so by the threat of being fined for failing to report is not the proper approach.

In addition, when building owners have their HVAC systems checked by outside HVAC maintenance technicians, they ask for advice on how to make the HVAC system as efficient as possible. When



boilers or windows or roofs need to be replaced, building owners will logically invest in more energy efficient systems that can be proven to be cost effective. Building owners are aware of the cost of all aspects of operating a building and the cost of energy and are motivated to reduce energy consumption and costs. A mandatory program is not necessary as building owners are already motivated to make their buildings as energy efficient as is reasonable without sacrificing the comfort of their tenants.

Thank you for your consideration.

David C. Keller

Keller Real Estate Group  
448 West Washington Avenue  
Madison, WI 53703

608-227-6543 x 102

608-575-3797 (mobile)

608-255-5005 (fax)

[David@KellerRealEstateGroup.com](mailto:David@KellerRealEstateGroup.com)



**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Opposition of Proposed Ordinance Mandating Building Energy Benchmarking  
**Date:** Wednesday, January 18, 2023 11:58:49 AM  
**Attachments:** [image001.png](#)

---

**From:** Ben Filkouski <ben.filkouski@madisoncommercialre.com>  
**Sent:** Wednesday, January 18, 2023 10:35 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Opposition of Proposed Ordinance Mandating Building Energy Benchmarking

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Economic Development Committee members,

Thank you for everything that you do for our City. I am reaching out to urge the EDC to oppose the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280). This program should be voluntary.

If the program does remain mandatory, it should not require property owners to report proprietary information to the city government. The ordinance makes Madison city government the holder of the reported energy data which is not appropriate because once it is in the hands of the city, anyone through a public records request could obtain this information.

Building owners can look at their data and make improvements where necessary and where it makes sense from the economic side of things. Costly building improvements such as this will cause an increase in rents. For commercial office tenants, this could negatively impact our CBD and force tenants to find cheaper opportunities outside of the City of Madison. For Multi-family, this could negatively impact our already increasing rental rates which will negatively impact the workforce housing sector whom is already struggling to find affordable rents in the City of Madison.

In order for the Energy Star reporting tool to work, the building owner must provide information for the entire building, not just parts of it, and provide information such as number of employees working in the building and number of laptops or other computers being used in the building. If data for 50% of the building is missing, the Energy Star reporting tool will not allow the building owner to complete the report.

Many commercial tenants will refuse to provide building owners with their energy bills or number of employees in the building or number of laptops or other computers or the many other items of information that the Energy Star tool requires in order to submit a report. Even if commercial tenants were willing to report the number of employees working in the building, in many cases, the number would be different every day, because so many employees continue to work from home on some days.

Smart Growth and other stakeholders have raised this issue with the Mayor's office staff

repeatedly, and the response we have received is that the building owner should just enter estimates if accurate data is not available from the commercial tenants. Smart Growth's members object to making up estimated numbers to input into the Energy Star tool to complete a report that is of no value because the numbers are just made up, and to be coerced into doing so by the threat of being fined for failing to report.

When building owners have their HVAC systems checked by outside HVAC maintenance technicians, they ask for advice on how to make the HVAC system as efficient as possible. When boilers or windows or roofs need to be replaced, building owners invest in more energy efficient systems. Building owners are extremely aware of the cost of energy and motivated to reduce energy consumption and costs. A mandatory program is not necessary.

It is unlikely that the recommendations of the tune up specialist will produce much savings because building owners already are motivated to make their buildings as energy efficient as is reasonable without sacrificing the comfort of their tenants.

Thank you for your consideration.

Thanks,  
Ben

**Benjamin J. Filkouski, CCIM**  
Broker | Partner | Wisconsin  
*Investment Sales & Leasing*  
Mobile 608-333-7734



**Madison Commercial Real Estate LLC**  
5609 Medical Circle, Suite 202  
Madison WI 53719  
<https://madisoncommercialre.com>

CCIM: <https://www.ccim.com/earning-the-ccim-designation/>

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Pending vote  
**Date:** Wednesday, January 18, 2023 11:59:55 AM

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**From:** Christopher Houden Jr <chris@willow-partners.com>  
**Sent:** Wednesday, January 18, 2023 1:33 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Pending vote

Caution: This email was sent from an external source. Avoid unknown links and attachments.

EDC members,

I urge you to oppose the mandatory benchmarking program and revisit the city's own legislative directive to establish a voluntary program. We all agree that something must be done to combat the effects of climate change but at what cost? Businesses are already struggling to recover from a global pandemic.

We are one of the oldest family real estate companies in the city, and we will continue to support the city the the full extent of our ability.

Sincerely,

Chris

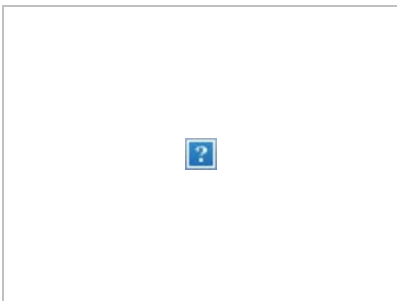
--

**Christopher Houden Jr**  
Managing Partner | **Willow Partners**  
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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Please approve the building energy savings program ordinance  
**Date:** Tuesday, January 17, 2023 11:09:50 AM

---

---

**From:** Stephen Glass <[sbglass1@me.com](mailto:sbglass1@me.com)>  
**Sent:** Sunday, January 15, 2023 10:59 AM  
**To:** EDC <[EDC@cityofmadison.com](mailto:EDC@cityofmadison.com)>  
**Subject:** Please approve the building energy savings program ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Economic Development Committee:

I am concerned about the negative impacts of climate change in Wisconsin. **I am writing to express my support for the proposed *Building Energy Savings Program (BESP) ordinance for large commercial buildings*.**

The positive impacts of this ordinance go beyond reducing carbon emissions in Madison. The resulting energy savings will have positive financial outcomes for building owners and tenants.

I track my own energy budget and savings and as a result I have recently put in an air-source heat pump and air-source water heater. I expect the same kind of diligence and attention to energy budgets from large commercial buildings in Madison.

Thank you in advance for your efforts to reduce energy usage and combat climate change in Wisconsin. **Please approve this project!**

Sincerely,  
Steve Glass  
1306 Seminole Highway  
Madison, WI. 53711

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Please approve the proposed Building Energy Savings Program ordinance  
**Date:** Tuesday, January 17, 2023 11:10:14 AM

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---

**From:** Building Unity <buildingunitywi@gmail.com>  
**Sent:** Friday, January 13, 2023 9:51 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Please approve the proposed Building Energy Savings Program ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Members of the Economic Development Committee:

I strongly support the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly, and ask you to approve this important city project.

Large commercial buildings account for 30% of our community's greenhouse gas emissions. This proposed ordinance not only will reduce those emissions, but also enable building owners and tenants to reduce their energy costs. Tracking energy usage will not take building owners much effort, especially since MG&E has this data, and the city proposes to provide assistance to make this easy.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. **Please approve this project!**

Name  
Address

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Please approve the proposed Building Energy Savings Program ordinance  
**Date:** Tuesday, January 17, 2023 11:10:22 AM

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---

**From:** Bryan <outerlimitsbab@hotmail.com>  
**Sent:** Friday, January 13, 2023 9:11 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Please approve the proposed Building Energy Savings Program ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Members of the Economic Development Committee:

I strongly support the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly, and ask you to approve this important city project.

Large commercial buildings account for 30% of our community's greenhouse gas emissions. This proposed ordinance not only will reduce those emissions, but also enable building owners and tenants to reduce their energy costs. Tracking energy usage will not take building owners much effort, especially since MG&E has this data, and the city proposes to provide assistance to make this easy.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. **Please approve this project!**

Bryan Benwitz, 2434 Independence Ln, 53704



**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Please approve the proposed Building Energy Savings Program ordinance  
**Date:** Tuesday, January 17, 2023 11:10:33 AM

---

**From:** Susan Millar <sbmillar@gmail.com>  
**Sent:** Friday, January 13, 2023 8:51 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Please approve the proposed Building Energy Savings Program ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Members of the Economic Development Committee:

I strongly support the proposed *Building Energy Savings Program* ordinance that you will be reviewing shortly, and ask you to approve this important city project.

Large commercial buildings account for 30% of our community's greenhouse gas emissions. This proposed ordinance not only will reduce those emissions, but also enable building owners and tenants to reduce their energy costs. Tracking energy usage will not take building owners much effort, especially since MG&E has this data, and the city proposes to provide assistance to make this easy.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. **Please approve this project!**

Sincerely,  
Susan Millar  
2233 Rowley Ave. 53726

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Please approve the proposed Building Energy Savings Program ordinance  
**Date:** Tuesday, January 17, 2023 11:10:01 AM

---

**From:** Nathan Spencer <nls08a@gmail.com>  
**Sent:** Saturday, January 14, 2023 12:34 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Please approve the proposed Building Energy Savings Program ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Members of the Economic Development Committee:

I write to express my strong support for the proposed Building Energy Savings Program ordinance that you will be reviewing shortly.

Large commercial buildings account for 30% of our community's greenhouse gas emissions. The proposed Building Energy Savings Program ordinance not only will reduce those emissions, but also enable building owners and their tenants to reduce their energy costs.

Thank you in advance for your efforts to reduce the threat of climate change in Wisconsin while also saving money. Please approve this project!

Sincerely,

Nathan Spencer  
3005 Stevens St, Madison, WI

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Please Support the Building Energy Savings Program Ordinance  
**Date:** Tuesday, January 17, 2023 11:09:39 AM

---

**From:** Kate Sandretto <kate.sandretto@gmail.com>  
**Sent:** Sunday, January 15, 2023 2:26 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Please Support the Building Energy Savings Program Ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Members of the Economic Development Committee,

As a citizen and a voter, climate change is the issue I am most concerned about. Climate change has the potential to create immense human suffering around the globe, and I feel that we are morally obligated to take as many actions as we can to mitigate or reverse climate change.

**I am writing to express my support for the proposed Building Energy Savings Program Ordinance.** This ordinance is a low-hanging fruit in the fight against climate change, requiring building owners to take simple and cheap steps that will significantly reduce building fossil fuel usage. The energy savings lead to monetary savings that will also benefit both owners and tenants.

**I urge you to please support this ordinance!** Thank you in advance for your efforts to mitigate and reverse climate change.

Kathryn Sandretto  
2130 E Dayton St  
Madison, WI 53704

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Proposed ordinance mandating building energy benchmarking  
**Date:** Wednesday, January 18, 2023 11:57:58 AM

---

**From:** Gehring, Margaret @ Milwaukee AS <Margaret.Gehring@cbre.com>  
**Sent:** Wednesday, January 18, 2023 11:51 AM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Proposed ordinance mandating building energy benchmarking

Caution: This email was sent from an external source. Avoid unknown links and attachments.

EDC members,

I urge you to oppose the mandatory benchmarking program and revisit the city's own legislative directive to establish a voluntary program. Businesses are already struggling to recover from a global pandemic and rising interest rates.

Please change the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280) to a voluntary program. Even if the new program remains mandatory, please revise it so that it does not require reporting of proprietary information to the city government. The ordinance makes the Madison city government the holder of the reported energy data, which is not appropriate, because once the city government has the data, it can be obtained by anyone through a public records request. This data is proprietary data of the building owners and their commercial tenants and should not be made public record that can be obtained by anyone.

Thank you,

**Margaret Gehring, CPM®**

Senior Director | Milwaukee Market Leader

CBRE | Property Management | Wisconsin

Chase Tower | 111 East Wisconsin Avenue, Suite 250 | Milwaukee, WI 53202

T +1 414 755 8401 or 414 274 1661 | C +1 414 588 4944

[margaret.gehring@cbre.com](mailto:margaret.gehring@cbre.com) | [LinkedIn](#)

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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280)  
**Date:** Wednesday, January 18, 2023 2:25:56 PM  
**Attachments:** [Letter to EDC 1.18.2023 \(04563971x9D882\).pdf](#)

---

**From:** Lisa A. Thomaschek <LThomaschek@axley.com>  
**Sent:** Wednesday, January 18, 2023 12:14 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Cc:** Edward J. Lawton <ELawton@axley.com>  
**Subject:** Proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Attached please find a letter sent on behalf of BOMA Wisconsin regarding the above-referenced matter. Thank you. Lisa

**Lisa Thomaschek**

Legal Assistant

**AXLEY ATTORNEYS**

2 E. Mifflin St. Ste 200 | Madison, WI 53703

P.O. Box 1767 | Madison, WI 53701-1767

Phone: 608.283.6759 | Fax: 608.257.5444

Email: [LThomaschek@axley.com](mailto:LThomaschek@axley.com) | [axley.com](http://axley.com)

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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Smart Growth's Comments re Mandatory Building Energy Benchmarking and Tune Ups Ordinance  
**Date:** Wednesday, January 18, 2023 2:25:32 PM

---

**From:** Bill Connors <bill@smartgrowthgreatermadison.com>  
**Sent:** Wednesday, January 18, 2023 12:51 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Smart Growth's Comments re Mandatory Building Energy Benchmarking and Tune Ups Ordinance

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Economic Development Committee members:

I will speak with you during the meeting this evening about most of Smart Growth's comments on the proposed mandatory building energy benchmarking and tune ups ordinance (Legistar 75280). However, I will not have time to cover everything, so I am sending you this email as a supplement.

Please be aware the Energy Star reporting tool requires the following data to be included in a report in order for Energy Star to allow the building owner to submit a report. Some of this data must come from the commercial tenants. It is common for a large commercial building to have 10 or more commercial tenants, and many of them will refuse to provide this data to the building owner to report to the city government.

## Energy Star Requirements

### Data Collected for All Properties

- Property Name
- Property Address
- Total [Gross Floor Area](#) of Property
- [Irrigated Area](#)
- [Year Built/Planned for Construction Completion](#)
- [Occupancy](#)
- Number of Buildings
- 12 consecutive months of energy data

### Additional Data Collected for [Office](#)

The following information is **required** to get an ENERGY STAR score ([if eligible](#)):

- [Gross Floor Area](#)
- [Weekly Operating Hours](#)
- [Number of Workers on Main Shift](#)

- [Number of Computers](#)
- [Percent That Can Be Cooled](#)

The proposed ordinance lists building energy standards that will exempt a building from the ordinance. Please be advised that few commercial buildings will qualify for this exemption.

The proposed ordinance lists certifications that someone must have to be able to perform a tune up required by the ordinance. Building owners' in-house staff can perform the tune ups if they have one of these certifications. Please be advised that Smart Growth is not aware of any in-house building operations staff who have any of these certifications. One of Smart Growth's members has diligently searched for training to obtain the least onerous of these certifications and has discovered there currently is no such training available in Wisconsin or the upper Midwest.

Bill Connors  
Executive Director  
Smart Growth Greater Madison, Inc.  
608-228-5995 (mobile)

 [www.smartgrowthgreatermadison.com](http://www.smartgrowthgreatermadison.com)

25 W Main St - 5th Floor, Suite 33  
Madison, WI 53703

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: SSM Health comments on Policy 75280  
**Date:** Wednesday, January 18, 2023 2:24:48 PM  
**Attachments:** [2023.1.18\\_SSM.Health\\_CityMSN.EconDevelopmentCommittee\\_Policy75280\\_WrittenComments\\_FINAL.pdf](#)  
[image001.png](#)

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**From:** Van Pelt, Benjamin <Benjamin.Vanpelt@ssmhealth.com>  
**Sent:** Wednesday, January 18, 2023 1:36 PM  
**To:** Van Pelt, Benjamin <Benjamin.Vanpelt@ssmhealth.com>  
**Cc:** EDC <EDC@cityofmadison.com>  
**Subject:** SSM Health comments on Policy 75280

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Good Afternoon Members of the City of Madison Economic Development Committee (recipients Bcc'ed),

Prior to your meeting later this evening I wanted to share the brief, attached comments with you on Policy 75280, which is included in your agenda.

We want to apologize, but due to previous commitments I will not be able to participate in tonight's meeting. Please accept these comments in lieu of our attendance.

Thank you,

**Ben Van Pelt | Director of Government Affairs**

**SSM Health - Wisconsin**

1808 W. Beltline Hwy, Madison, WI 53713

Cell: 815-474-3973

Office: 608-260-3527

[Benjamin.VanPelt@ssmhealth.com](mailto:Benjamin.VanPelt@ssmhealth.com)

[ssmhealth.com](http://ssmhealth.com)



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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Support the Building Energy Savings Program  
**Date:** Tuesday, January 17, 2023 11:10:41 AM

---

**From:** Eliana Bernat <elianajbernat@gmail.com>  
**Sent:** Thursday, January 12, 2023 8:18 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Support the Building Energy Savings Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

To the Members of the Economic Development Committee:

As a young person concerned about climate change, I write to express my strong support for the proposed Building Energy Savings Program ordinance that you will be reviewing shortly.

Large commercial buildings account for 30% of our community's greenhouse gas emissions. The proposed Building Energy Savings Program ordinance not only will reduce those emissions, but also enable building owners and their tenants to reduce their energy costs - helping to accelerate the action needed for the planet while helping people.

I strongly urge you to approve the Building Energy Savings Program.

Sincerely,  
Eliana Bernat  
1200 Observatory Dr.

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: Support the Building Energy Savings Program  
**Date:** Tuesday, January 17, 2023 11:09:29 AM

---

**From:** Kelly Kearns <kearns@uwalumni.com>  
**Sent:** Sunday, January 15, 2023 2:53 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** Support the Building Energy Savings Program

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I am writing to ask you to support the proposed Building Energy Savings Program. Commercial buildings use large amounts of energy and tend to be xtremely wasteful. This contributes to CO2 e.issions and climate change. Madison needs this program.  
Thank you,  
Kelly Kearns  
1329 Crowley Ave, Madison

**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: URGENT FOR TODAY - Wed. 1/18 - Legistar File 75280 - Madison Economic Development Committee  
**Date:** Wednesday, January 18, 2023 2:23:54 PM  
**Attachments:** [Legistar\\_75280\\_Body\\_As\\_Introduced.pdf](#)  
[image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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**From:** Susan Johnson <susan.johnson@colliers.com>  
**Sent:** Wednesday, January 18, 2023 1:54 PM  
**To:** EDC <EDC@cityofmadison.com>  
**Subject:** URGENT FOR TODAY - Wed. 1/18 - Legistar File 75280 - Madison Economic Development Committee

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Economic Development Committee members:

As managers of over 14M SF of Wisconsin commercial real estate, Colliers International prides ourselves in being competent and mindful stewards to the properties and the environment. We regularly advise our clients to perform as many energy savings and sustainability-minded projects as feasible on a yearly basis.

On behalf of Colliers International, we are asking to modify the proposed ordinance mandating building energy benchmarking and tune ups (Legistar 75280) to a voluntary program. Even if the new program remains mandatory, please revise it so that it does not require reporting of proprietary information to the city government. The ordinance makes the Madison city government the holder of the reported energy data, which is not appropriate, because once the city government has the data, it can be obtained by anyone through a public records request. This data is proprietary data of the building owners and their commercial tenants and should not be made public record that can be obtained by anyone.

Why must this data be reported to the city government? What is the city government planning to do with this data in the future? We understand the goal of the ordinance was to require the building owners to look at their data, which can be accomplished without reporting to the city government.

In order for the Energy Star reporting tool to work, the building owner must provide information for the entire building, not just parts of it. They also need to provide information such as number of employees working in the building and number of laptops or other computers being used in the building. If data for 50% of the building is missing, the Energy Star reporting tool will not allow the building owner to complete the report.

Many commercial tenants will refuse to provide building owners with their energy bills or number of employees in the building or number of laptops or other computers or the many other items of information that the Energy Star tool requires in order to submit a report. Even if commercial tenants were willing to report the number of employees working in the building, in many cases, the number would be different every day, because so many employees continue to work from home post COVID.

Many stakeholders have raised this issue with the Mayor's office staff repeatedly, and the response received is that the building owner should just enter estimates if accurate data is not available from the commercial tenants. We object to making up estimated numbers to input into the Energy Star tool to complete a report that is of no value because the numbers are false, and to be coerced into doing so by the threat of being fined for failing to report.

When building owners have their HVAC systems checked by outside HVAC maintenance technicians, they ask for advice on how to make the HVAC system as efficient as possible. When boilers or windows or roofs need to be replaced, building owners invest in more energy efficient systems. Building owners are extremely aware of the cost of energy and motivated to reduce energy consumption and costs. A mandatory program is not necessary.

It is unlikely that the recommendations of the tune up specialist will produce much savings because building owners already are motivated to make their buildings as energy efficient as is reasonable without sacrificing the comfort of their tenants.

The cost of the "tune up" is vague because we do not know precisely what a tune up requires. In addition to paying the outside tune up consultant, the building owner will have to pay for weeks of work by its own staff to gather and provide the data required by the tune up specialists. It is unlikely that the tune ups will produce more savings than the total cost of the tune up.

Thank you for your consideration.

## Susan Johnson

Director of Real Estate Management Services | Wisconsin

[susan.johnson@colliers.com](mailto:susan.johnson@colliers.com)

Direct: +1 414 982 6579 | Mobile: +1 414 377 6144

833 E. Michigan Street | Milwaukee, Wisconsin 53202 | USA



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**From:** [EDC](#)  
**To:** [Freedman, Andrea](#)  
**Subject:** FW: URGENT\* please consider  
**Date:** Wednesday, January 18, 2023 2:23:40 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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**From:** Emily Erickson <[emily.erickson@colliers.com](mailto:emily.erickson@colliers.com)>  
**Sent:** Wednesday, January 18, 2023 2:09 PM  
**To:** EDC <[EDC@cityofmadison.com](mailto:EDC@cityofmadison.com)>  
**Subject:** URGENT\* please consider

Caution: This email was sent from an external source. Avoid unknown links and attachments.

EDC members,

I urge you to oppose the mandatory benchmarking program and revisit the city's own legislative directive to establish a voluntary program. Businesses are already struggling to recover from a global pandemic and rising interest rates.

Thank you for your consideration,

**Emily Erickson**

Property Manager | Madison

[emily.erickson@colliers.com](mailto:emily.erickson@colliers.com)

Mobile: +1 218 251 6780 | Main & After Hours: +1 414 276 9500

316 W. Washington Ave., Suite 925 | Madison, WI 53703

    [colliers.com](https://www.colliers.com)



# Public Comment Registrants Report

Economic Development Committee On 01/18/23 5:00 PM				Representing Organization			Lobbying	
Agenda Item Registered	Name	Support	Speaking	Y/N	Name(s)	Paid	Duties	Rep
<b>AGENDA ITEM: 3 Creating Section 29.40 and amending Section 1.08(3)(a) of the Madison General Ordinances to establish a building energy savings code, and to update the bond schedule accordingly.</b>								
3 01/17/23 09:45 AM	<b>ERIK KANTER</b> District: 4 634 W Main St #300 Madison WI 53703	Support	Yes, I want to speak.	Yes	Clean Wisconsin 634 W Main Street, #300 Madison, WI 53703	Yes	Yes	No
3 01/17/23 11:23 AM	<b>DAVID AGUAYO</b> District: 4 1 S. Pinckney St 330 Madison WI 53703	Oppose	Yes, I want to speak.	Yes	Greater Madison Chamber of Commerce 1 S. Pinckney Street STE 330 Madison, WI 53703 608-443-1963	Yes	Yes	Yes
3 01/18/23 10:06 AM	<b>BILL CONNORS</b> District: 4 25 W MAIN ST - 5TH FLOOR SUITE 33 MADISON WI 53703	Oppose	Yes, I want to speak.	Yes	Smart Growth Greater Madison, 25 W Main St--5th Floor, Suite 33, Madison, WI 53703, 608-228- 5995	No	Yes	No
3 01/18/23 02:05 PM	<b>SUSAN MILLAR</b> District: 5 2233 Rowley Ave Madison WI 53726-5327	Support	Yes, I want to speak.	No				
3 01/18/23 02:09 PM	<b>MARY STATZ</b> District: <i>Unknown</i> 600 Highland Ave Madison WI 53792	Oppose	Yes, I want to speak.	Yes	UW Health, 600 Highland Ave. 608-265-6847	No	Yes	No
3 01/17/23 06:17 PM	<b>MICHAEL WYRICK</b> District: 15 126 Dunning St Madison WI 53704	Support	No, I do not want to speak.	No				
3 01/18/23 11:18 AM	<b>MOLLY NOBLE</b> District: 13 2225 west lawn Ave Madison WI 53711	Support	No, I do not want to speak.	No				

# Public Comment Registrants Report

Economic Development Committee On 01/18/23 5:00 PM				Representing Organization			Lobbying	
Agenda Item Registered	Name	Support	Speaking	Y/N	Name(s)	Paid	Duties	Rep
<b>AGENDA ITEM: 3 Creating Section 29.40 and amending Section 1.08(3)(a) of the Madison General Ordinances to establish a building energy savings code, and to update the bond schedule accordingly.</b>								
3 01/18/23 04:08 PM	<b>ROBERT PROCTER</b> District: <i>Unknown</i> 6101 Gateway Green Monona WI 53716	Oppose	No, I do not want to speak.	Yes	REALTORS ASSOCIATION OF SOUTH CENTRAL WISCONSIN 4801 Forest Run Road, Ste 101 Madison, WI 53704 www.RASCW.org P: 608-240-2800 ex 0205	Yes	Yes	No
		<b>Support: 4 Opposed: 4 Neither: 0</b> Counts distinct registrants and removes duplicate votes						
		<b>Total Registrants: 8</b>						
		<b>Meeting Watchlist: 5</b>						





# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 75547**

**File ID:** 75547

**File Type:** Miscellaneous

**Status:** In Committee

**Version:** 1

**Reference:**

**Controlling Body:** Economic  
Development  
Division

**File Created Date :** 01/11/2023

**File Name:**

**Final Action:**

**Title:** 2023 Economic Development Division Work Plan

**Notes:**

**CC Agenda Date:**

**Agenda Number:** 3.

**Sponsors:**

**Effective Date:**

**Attachments:**

**Enactment Number:**

**Author:**

**Hearing Date:**

**Entered by:** afreedman@cityofmadison.com

**Published Date:**

**Related Files:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File 75547

Title  
2023 Economic Development Division Work Plan



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 75546**

**File ID:** 75546

**File Type:** Miscellaneous

**Status:** In Committee

**Version:** 1

**Reference:**

**Controlling Body:** Economic  
Development  
Division

**File Created Date :** 01/11/2023

**File Name:**

**Final Action:**

**Title:** Recommendations for EDC Membership

**Notes:**

**CC Agenda Date:**

**Agenda Number:** 4.

**Sponsors:**

**Effective Date:**

**Attachments:**

**Enactment Number:**

**Author:**

**Hearing Date:**

**Entered by:** afreedman@cityofmadison.com

**Published Date:**

**Related Files:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File 75546

Title  
Recommendations for EDC Membership