



2010 CitySmart Program Sponsored by Texas New Mexico Power

MEMORANDUM OF UNDERSTANDING

Local governments in Texas are feeling the pinch of high energy costs now more than ever. Texas New Mexico Power is committed to providing assistance to local government customers so that they can better manage their rising energy costs. Texas New Mexico Power is proud to offer the CitySmartSM Program, aimed at improving the energy efficiency of local government facilities located within its service territory. Texas New Mexico Power has contracted with CLEAResult Consulting, Inc. (CLEAResult) to sponsor, promote, and administer the Program.

_____, (herein referred to as "Partner") recognizes that it is a willing participant of this no cost program designed to help reduce energy bills for our facilities, freeing up operating dollars for other needs AND improving the work environment for staff. This Memorandum of Understanding reflects the voluntary collaborative between your organization and the CitySmart Program and details the commitments of each party in order to improve energy efficiency in your facilities. *The Program agrees to provide these services at no cost to the Partner with the understanding that the Partner will exert its best efforts to complete the applicable steps below and implement cost-effective energy efficiency recommendations. Projects being submitted to the 2010 CitySmart Program must be completed by 11/30/2010 to allow time for post-installation inspections to occur before the end of the calendar year.*

Description of Commitments

The CitySmart Program will assist the Partner to identify cost effective energy efficiency improvements that can help to make facilities less costly to operate and more comfortable to use. To achieve potential energy savings and facility improvements, the CitySmart Program and Partner have agreed to work together to complete some or all of the following tasks according to the specific needs identified for your organization:

- Identify and assess energy efficiency measures,
- Develop and adhere to an Energy Master Plan that outlines administrative and financial decision-making criteria for energy efficiency improvements, installation of energy efficiency measures, and maintenance and operation procedures in order to succeed in implementing a cost-effective energy program in a timely manner,
- Implement energy efficient operations and maintenance practices and procedures identified during walk-through energy assessments of specific facility(s),
- Locate funding sources to enable the Partner to complete capital projects,
- Use utility incentives to buy-down the capital cost of energy efficient systems.

Principles of Agreement

Specific responsibilities of the Partner and the CitySmart Program in this agreement are listed below.

- Partner will select two (2) contact persons to work with the CitySmart Program throughout the term of the Partnership, including a representative from both the Facilities/Energy Management Department and the Finance/Business Department.
- If the Program elects to provide energy performance benchmarking of Partner's existing facilities, then the Partner agrees to provide the needed energy usage and building information required to complete this analysis. The CitySmart Program will then develop a benchmarking report for the Partner illustrating the energy usage for the specified facilities.

- If the Program elects to provide assistance with development of an Energy Master Plan, Partner agrees to attend a facilitated workshop in order to help develop this document and process. Partner will strive to finalize any draft Energy Master Plans that are provided by the Program and will ask that senior management to endorse and approve this plan.
- The CitySmart Program will pay to Partner monetary incentives, as discussed in program materials, for eligible energy efficiency savings achieved by projects that are completed no later than **11/30/2010**.
- Partner will make its best effort to complete and submit relevant Project Application Forms, including necessary supporting documentation for each project, in a timely manner. Please note that due to increased participation in the CitySmart Program, the Project Application process is required in order to reserve financial incentives for your projects.
- Partner acknowledges that projects that receive monetary incentives in the CitySmart Program would not have been accomplished, or would have been completed with less efficient equipment, except for the incentives and other services provided by this Program.
- Partner will not seek to participate in the Standard Offer efficiency programs sponsored by Texas New Mexico Power. One exception to this agreement is for projects that had already been identified and submitted to the Texas New Mexico Power Standard Offer prior to the Partner signing this MOU.
- Partner will allow the CitySmart Program to use Partner's name to promote participation in the Program to entities such as potential program partners, utilities, federal, state, or local entities, and the general public.

Acceptance of Agreement

By endorsing below, your organization accepts this agreement with the CitySmart Program, sponsored by Texas New Mexico Power. This agreement should be signed by your organization's city manager, county judge, or similar and is valid for the length of the 2010 program year. For your convenience, your organization's participation in the CitySmart Program will continue automatically from year to year once you have enrolled in the program.

Partner

Signature: _____

Printed Name: Matthew T. Doyle

Title: Mayor

Address: 1801 9th Ave No

Texas City, TX 77590

Phone: 409-643-5902

Fax: 409-942-1073

Email: mdoyle@texas-city-tx.org

Date: _____

Texas New Mexico Power

Signature: _____

Stacy Whitehurst

CitySmart Program Manager

Texas New Mexico Power

225 E John Carpenter Frwy, Suite 1500

Irving, TX 75036

Date: _____

Please identify one (1) individual from the Facilities/Energy Management Department and one (1) individual from the Business/Finance Department who will be the *main points of contact* while working with the CitySmart Program.

Facilities/Energy Management Point of Contact:

Name (Mr./Ms./Dr.): Glenn Riske Title: Public Works Superintendent
Organization: City Of Texas City Phone: 409-643-5982
Address: 1801 9th Ave No Fax: 409-945-0856
Texas City, TX 77590 E-Mail: griske@texas-city-tx.org

Business/Finance Point of Contact:

Name (Mr./Ms./Dr.): Kyle Schaper Title: Accounting Accountant
Organization: City of Texas City Phone: 409-643-5919
Address: 1801 9th Ave No Fax: 409-942-1073
Texas City, TX 77590 E-Mail: kschaper@texas-city-tx.org

Please sign and mail or fax to:

CLEAResult Consulting
Attn: Megan Menefee
4301 Westbank Dr, Bldg A-Suite 250
Austin, TX 78746
Fax: (866) 236-9505

The CitySmartSM Program is provided by Texas New Mexico Power as part of the company's commitment to reduce energy consumption and demand. CLEAResult Consulting, Inc. implements the CitySmart Program as an independent contractor. For more information, visit <http://www.tnpeefficiency.com>.