

EXHIBIT 1 - GAINESVILLE SMARTBUILT PROGRAM

Section 1. Adoption. This program, which shall be called the "Gainesville SmartBuilt Program," was adopted by City Commission of the City of Gainesville, Florida, by local resolution, no. _____, on January 14, 2002 [date].

Section 2. Definitions. For the purpose of the Program, the following definitions shall apply:

- (a) "City" means the City of Gainesville, Florida;
- (b) "City Commission" means the City Commission of the City of Gainesville, Florida;
- (c) "construction" means any project associated with the creation, development, or erection of any building eligible for the Program;
- (d) "FGBC" means the Florida Green Building Coalition ;
- (e) "green building" means generally the resource efficient design, construction, and operation of buildings by employing environmentally sensible construction practices, systems, and materials ;
- (f) "GHDS" means the Green Home Designation Standard of the Florida Green Building Coalition;
- (g) "independent" or "independent of the City" means not directly employed by the City of Gainesville, Florida;
- (h) "L.E.E.D. 2.0" means the Leadership in Energy and Environmental Design Rating System, Version 2.0, of the U.S. Green Building Council;
- (i) ~~"municipal" means owned by the City of Gainesville, Florida~~ "new municipal construction" means the construction of any building, either freestanding or as an addition to an existing building, owned by the City of Gainesville, Florida, that is at least 2500 square feet and intended to be habitable for workers;
- (j) "private" means not owned by the City of Gainesville, Florida;
- (k) "Program" means the Gainesville SmartBuilt Program;
- (l) "program certification" means the final designation awarded to a program participant for satisfying all of the requirements associated with the Program for a particular project;
- (m) "program participant" means any person or entity seeking ~~p~~program certification for a particular project;
- (n) "project" means any construction associated with the creation, development, or erection of any building eligible for the Program;
- (o) "Project Application Form" means the form submitted to the Building Inspection Department indicating that a program participant is interested in participating in the Program for a particular project.
- (p) "Review Committee" means the Gainesville SmartBuilt Program Review Committee;
- (q) "sub-program" means any area of construction covered by the Program;
- (r) "USGBC" means the U.S. Green Building Council ;

1/11/02 DRAFT OF PROPOSED PROGRAM

Section 3. Purpose. The purpose of the Program shall be to provide the Gainesville community with a voluntary, certification-based “green building” program to promote sustainable and environmentally-friendly practices of construction and design.

Section 4. Administration and marketing. The Program shall be jointly administered by the Building Inspection Department and Gainesville Regional Utilities, which shall be responsible for—

- (a) funding the Program through annual funds allocated by the City Commission;
- (b) marketing the Program to the Gainesville community by any reasonably effective means, including but not limited to print advertising, press releases, television advertising, or advertising in the GRU monthly mailer;
- (c) developing any appropriate or necessary application procedures, including but not limited to the Program Application Form;
- (d) providing an incentive award to any program participant who has successfully satisfied the requirements associated with that incentive; and
- (e) notwithstanding section 13 of this Program, resolving disputes that may arise from implementing the Program.

Section 5. Nature of program.

- (a) For any private or non-municipal construction project, the Program shall be voluntary.
- (b) For any new municipal construction project, the Program shall be mandatory unless the City determines, with regard to a particular building, that the cost associated with participating in the Program significantly outweighs the benefits of the project to the City.

Section 6. Scope. The Program shall be administered on a per-unit basis. For the purpose of this section of the Program, “per-unit” means each unit built, except that any multi-family dwelling or similarly clustered structure may count as one unit.

Section 7. Coverage. The Program shall be comprised of the following sub-programs:

- (a) new residential construction;
- (b) residential retrofitting/remodeling;
- (c) new commercial/non-municipal construction; and
- (d) new municipal construction.

Section 8. Standards. The Program shall be administered using standards developed by 1) the Florida Green Building Coalition and 2) the U.S. Green Building Council. These standards shall apply to each sub-program as follows:

- (a) **GHDS.** For any program participant seeking program certification for new residential construction or residential retrofitting/remodeling, the program participant must satisfy all of the requirements associated with the current Green Home Designation Standard of the FGBC, including but not limited to any monetary or certification requirements. For the purpose of this section of the Program, “current” means at the

1/11/02 DRAFT OF PROPOSED PROGRAM

time a program participant submits a Project Application Form with the Building Inspection Department.

(b) L.E.E.D. 2.0. For any program participant seeking program certification for new commercial/non-municipal construction or new municipal construction, the program participant must satisfy all of the requirements associated with the Leadership in Energy and Environmental Design Rating System, Version 2.0, of the USGBC, including but not limited to any monetary or certification requirements.

(c) Review. For the purpose of this section of the Program, a program participant shall be bound by the standard designated for a particular sub-program unless the program participant both requests to be certified under a more current version of a designated standard and the request is approved by the Building ~~Inspection Department~~ Official.

Section 9. Incentives. The Program shall consist of incentives designed to encourage members of the Gainesville community to use the Program.

(a) All sub-programs. For any program participant seeking program certification for new residential construction, residential retrofitting/remodeling, new commercial/non-municipal construction, or new municipal construction, the Program shall provide the following incentives:

1. fast-track permitting for building permits, which shall provide for no more than ~~[x]~~ 8 days ~~to receive a~~ turn-around;
2. for any project outside of the Enterprise Zone, a reduced permitting fee which shall equal [x]% of the fee required for a non-program participant;
3. permitting assistance;
4. top-of-the-pile priority for construction document review; and
5. final project designation by the City.

For the purpose of this section of the Program, the City shall subsidize the costs associated with these incentives through the funds allocated to the Building Inspection Department as a budget line item for the Program.

(b) Sub-program of retrofitting/remodeling. For any program participant seeking program certification for residential retrofitting/remodeling, the Program shall provide the following available incentives from GRU:

1. a \$250 cash renovation incentive; and
2. a \$300-\$450 solar water heater incentive.

(c) Marketing for all sub-programs. For any program participant seeking program certification for new residential construction, residential retrofitting/remodeling, new commercial/non-municipal construction, or new municipal construction, the Building Inspection Department and Gainesville Regional Utilities shall provide the following marketing incentives including but not limited to:

1. the erection of building site signs designating a project under the Program;
2. the inclusion of program participants on a City webpage dedicated to the Program;
3. the creation of promotional packages such as a ~~p~~Program logo for a program participant's advertisements or brochures;
4. press releases;

1/11/02 DRAFT OF PROPOSED PROGRAM

5. articles in the local news media; and
6. information about available financial programs, including but not limited to those associated with Fannie Mae/Freddie Mac.

(d) SmartBuilt Award. For the purpose of publicly recognizing outstanding commitment to “green building,” the Program shall provide for an award called the “SmartBuilt Award” to be awarded annually to one program participant in each sub-program.

Section 10. Certification. The Program shall be subject to certification by a third party independent of the City. For the purpose of this section of the Program, “third party” means any person or entity listed by the Building Official as authorized by the FGBC or the USGBC to verify that a program participant has satisfied any or all of the requirements associated with the standard designated for a particular project.

Section 11. Training. The Building Inspection Department shall conduct at least one training workshop per year for the purpose of educating potential or current program participants about the Program.

Section 12. Program review.

(a) Review committee. The Building ~~Inspection Department~~ Official shall initiate a review of the Program by the Gainesville SmartBuilt Program Review Committee, which shall be comprised of one member of the Community Development Committee, one member of the Regional Utilities Committee, one member of the Gainesville Energy Advisory Committee, one member of the City Plan Board, the Building Official of the Building Inspection Department or a designee, the Community Development Director or a designee, and the Gainesville Regional Utilities General Manager or a designee, with the total number of committee members set at seven. Quorum for any review shall be four.

(b) Frequency. The Program shall be subject to review at least once per year.

(c) Purpose. The purpose of reviewing the Program includes but is not limited to updating program incentives, recommending program or marketing changes to the City, recommending program changes to any independent “green building” entity or program referenced or adopted in the Program, reviewing suggestions made by program participants, and annually awarding the SmartBuilt Award in accordance with section 9(d) of the Program.

Section 13. Resolution of Disputes. Any conflict, dispute, or problem arising ~~from out of the relationship between the Program~~ an independent “green building” entity or program referenced or adopted in the Program and a program participant’s project shall be resolved in accordance with the following procedures provided by the City:

(a) Initial appeal. The program participant shall first exhaust any remedy provided by the independent “green building” entity or program associated with the program participant’s project that is designed to resolve any conflict, dispute, or problem raised by a program participant.

1/11/02 DRAFT OF PROPOSED PROGRAM

(b) Final appeal. If a particular conflict, dispute, or problem is not resolved in accordance with subsection (a) of this section of the Program, then the program participant may appeal to the Building Official by providing the Building Official with a document from the independent “green building” entity or program associated with the program participant’s project that indicates the reasons for denying the initial appeal. Within 60 days upon review of the basis for appeal and a reasonable determination that the program participant’s project should be certified as “SmartBuilt” under the Program, the Building Official may designate the program participant’s project as “SmartBuilt,” which shall entitle the program participant to any remaining incentive not yet awarded. However, solely for the purpose of this section of the Program, any such “SmartBuilt” designation shall expressly indicate that the program participant’s project did not receive any designation provided by the independent “green building” entity or program associated with the program participant’s project, unless such designation is provided in writing to the Building Official by that entity or program.

Section 14. Severability. For the purpose of the Program, any section, provision, or standard of the Program inconsistent with the laws of the State of Florida shall be void and shall not have any effect upon any other section, provision, or standard of the Program.