

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE COUNTY OF KANE
AND
ELGIN COMMUNITY COLLEGE**

THIS AGREEMENT made as of the date of final execution, by and between the County of Kane ("County") and the Board of Trustees of Community College District #509, counties of DuPage, Cook, McHenry, DeKalb and Kane, and the state of Illinois, a public community college known as Elgin Community College ("ECC") for the mutual benefits and purposes as set forth below:

WHEREAS, the County of Kane and Elgin Community College are public agencies within the meaning of the Illinois "Intergovernmental Cooperation Act", as specified at 5 ILCS 220/1, et seq., and are authorized by Article 7 Section 10 of the Constitution of the State of Illinois to cooperate for public purpose; and

WHEREAS, Article VII, §10 of the 1970 Illinois Constitution permits units of local government to contract and otherwise associate among themselves to obtain and share services; and

WHEREAS, The American Recovery and Reinvestment Act of 2009, Public Law 111-5, appropriates funding for the Department of Energy ("DOE") to issue/award formula-based grants to states, U.S. territories, units of local government, and Indian tribes under the Energy Efficiency and Conservation Block Grant ("EECBG") Program, the authorization for which is set forth in Title V, Subtitle E of the Energy Independence and Security Act (EISA) of 2007; and

WHEREAS, On September 8, 2009 the Kane County Board passed Resolution No. 09-321, approving an agreement with the Department of Energy for an Energy Efficiency and Conservation Block Grant Program in the amount of Two Million Four Hundred Sixty Nine Thousand One Hundred Dollars (\$2,469,100.00); and

WHEREAS, The purpose of the EECBG Program is to assist eligible entities in creating and implementing strategies to reduce fossil fuel emissions in a manner that is environmentally sustainable and, to the maximum extent practicable, maximizes benefits for local and regional communities; to reduce the total energy use of the eligible entities; and to improve energy efficiency in the building sector, the transportation sector, and other appropriate sectors; and

WHEREAS, one of the seven activities included in the Kane County Energy Efficiency Strategy calls for the development of a Building Trades Energy Efficiency Training Program; and

WHEREAS, Elgin Community College has established a Certificate in Renewable Energy Construction Program ("Program"), consisting of a two-semester program of study;

WHEREAS, through this Intergovernmental Agreement with Kane County, ECC has been awarded a budget of approximately \$100,000.00, ECC will be able to develop this Program, pay the tuition and fees for the 30 participants, evaluate and improve the curriculum, and purchase instructional supplies and equipment to enhance the Program.

NOW, THEREFORE, in consideration of the foregoing, as well as the mutual covenants and agreements hereinafter set forth, the County and ECC hereby agree to the attached Scope of Work:

ACCORDINGLY, the parties agree:

1. **RECITALS.** All of the Recitals set forth above are made a part of this Agreement and incorporated herein.

2. **PAYMENT.** The County will pay ECC the awarded grant money for the Program in a manner that is mutually agreed upon by both parties.

3. **TERMS.** This agreement shall terminate on **August 23, 2012**. Should either party hereto breach any of the material terms of this Agreement, the other party shall serve written notice upon the President or Chairman of the breaching party, as the case may be. Should the breaching party fail to cure such breach within thirty (30) days after receipt of the written notice from the other identifying the breach, then--unless this Agreement is further extended or modified in writing by the parties--the non-breaching party may terminate this agreement upon written notice to the breaching party.

4. **INDEMNITY.** To the fullest extent permitted by law, ECC and the County agree to indemnify and hold each other harmless, as well as its officers, employees, agents, boards and commissions from and against any and all claims, suits, judgments, costs, attorney's fees, damages or other relief, including but not limited to worker's compensation claims, in any way resulting from or arising out of negligent actions or omissions of either party in connection herewith, including negligence or omissions or agents of the parties arising out of the performance of this agreement.

5. **NONDISCRIMINATION.** Participation in programs or courses hereunder shall be without regard to race, creed, color, national origin, sex, age, disability or other unlawful consideration as provided by law. This provision does not apply to any disability of a nature that would, even with reasonable accommodation, preclude the student from participating in the programs or courses.

6. **NON-WAIVER.** Nothing herein shall be construed as an express or implied waiver, relinquishment or release of any common law or statutory privileges and/or immunities of Client (Elgin Community College) any of their Trustees, officers, employees, attorneys, volunteers or agents, including without limitation those privileges and immunities existing under the Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101, et. seq. Client to the extent applicable, reserve, preserve and retain all rights, limitations and immunities granted them under the Illinois Local Government and Governmental Employees Tort Immunity Act for all purposes.

7. **GOVERNING LAW.** This Agreement shall be construed and enforced in accordance with the laws of the State of Illinois, without regard to the conflict of laws provisions thereof.

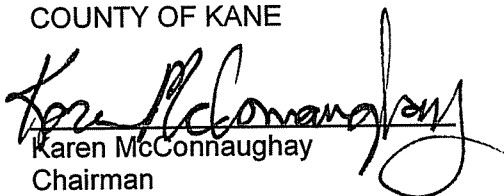
8. **MISCELLANEOUS.** It is mutually understood and agreed that the provisions herein are severable and that in the event that any of them are held to be invalid by any court of competent jurisdiction, then this Agreement shall be interpreted as if such invalid portion were not contained therein. The agreements, terms and conditions herein may be modified only through the written mutual consent of the parties hereto. Except as specifically set forth above, written communications under this Agreement shall be directed as follows:

Chairman
Kane County Board
719 Batavia Avenue
Geneva, Illinois 60134

College President
Elgin Community College
1700 Spartan Drive
Elgin, IL 60123

IN WITNESS WHEREOF, this Agreement has been duly executed by the following persons on behalf of the County and ECC as of the date of final execution, noted below.

COUNTY OF KANE


Karen McConnaughay
Chairman
Kane County Board

6/25/10

Date

ELGIN COMMUNITY COLLEGE

David A. Sam, PhD, JD
College President
Elgin Community College

Date

Attest:

Scope of Work
U.S. Department of Energy
National Energy Technology Laboratory
Recovery Act – Energy Efficiency and Conservation Block Grant (EECBG)

Funding available through Kane County's EECBG grant contract as proposed by means of Intergovernmental Agreement for a Builder's Training/Tuition Incentive Program for Energy Efficient Building Techniques at Elgin Community College for students / Builders throughout Kane County.

Project Justification:

Kane County Department of Facilities, Subdivision, and Environmental Resources has been allocated grant funds through the EECBG grant. In cooperation with Kane County, Dr. Jeffery Boyd, Dean of Sustainability, Career Technologies and Emergency Response Programs, and Andrew Erbach, Instructional Coordinator for the Energy Management Program, have been asked to develop and market an energy efficient construction/builder's training program that would certify 30 building contractors doing business in Kane County with a Certificate in Renewable Energy Construction as conferred by Elgin Community College. The certificate would benefit current construction/builder businesses in Kane County by equipping them to meet the purposes of the EECBG Program to create and implement strategies to:

- reduce fossil fuel emission in a manner that is environmentally sustainable and, to the maximum extent practicable, maximize benefits for local and regional communities;
- reduce the total energy use of the eligible entities; and
- improve energy efficiency in the building sector.

Project Description:

Beginning Fall Semester 2010 and continuing through Spring Semester 2012, Elgin Community College in partnership with Kane County will select 30 building contractors doing business in Kane County to complete a 2-semester program of study resulting in a Certificate in Renewable Energy Construction. First priority will be given to individuals who can complete the 2-semester commitment for the program. Next consideration will be given to those contractors who can only attend one semester. Through an Intergovernmental Agreement with Kane County, Elgin Community College will be awarded a budget of approximately \$100K to develop this program, pay the tuition and fees for the 30 participants, evaluate and improve the curriculum, and purchase instructional supplies and equipment to enhance the program so that the following principles per the EECBG grant can be achieved:

- prioritize energy efficiency and conservation first as the cheapest, cleanest, and fastest ways to meet energy demand;

- to maximize benefits over the longest possible terms by linking energy efficient efforts to the long-term priorities of community economic development and community stabilization;
- to invest funds in programs and projects that create and retain jobs and stimulate the economy while meeting long-term energy goals; and
- develop programs and strategies that will continue beyond the funding period.

Project Deliverables:

The development, improvement, and expansion of the Certificate in Renewable Energy Construction at Elgin Community College will deliver the following outcomes as defined by the EECBG grant:

- increase energy efficiency, reduce energy consumption and reduce energy costs through education in efficiency improvements in the construction and building sectors;
- increase productivity to spur economic growth and community development;
- accelerate deployment of market-ready distributed renewable energy technologies, including wind, geothermal, and solar technologies;
- improve air quality and related environmental and health indicators associated with the reduction of fossil fuel emissions; and,
- increase security, resilience, and reliability of energy generation and transmission infrastructure.

Project Objectives:

PHASE 1: PLANNING AND START UP			
<i>Milestone Number</i>	<i>Completion Date</i>	<i>Targeted Milestone</i>	<i>Description</i>
M0	5/19/10	Scope of Work and Budget Completed	<ul style="list-style-type: none"> • Andy Erbach prepare proposed Scope of Work. • Jeffery Boyd prepare proposed budget. • Submit to Marilyn Prentiss for legal review.
M1	5/26/10	Scope of Work and Budget submitted to Kane County	Kane County to prepare final IA agreement for ECC legal review.
M2	6/18/10	IA Agreement Finalized	Contract is executed.
M3	6/21 – 7/31/10	Recruit and register 10 contractors in Kane County for program to start FA2010 semester	With Kane County, conduct recruitment activities to fill 10 committed seats for the FA2010 program, (herein known as Group A).
M4	7/31/10	Energy Management Advisory Board Meeting	Energy Management Advisory Board with Kane County representation meet to review current curriculum.
M5	8/23/10	FA2011 semester begins	Group A of 10 contractor students begin courses.
M6	10/31/10	Recruit and register an additional 10 contractors in Kane County to start SP2011 semester	With Kane County, conduct recruitment activities to fill 10 committed seats for the SP2011 program, (herein known as Group B).

PHASE II: CAPACITY BUILDING ACTIVITIES			
<i>Milestone Number</i>	<i>Completion Date</i>	<i>Targeted Milestone</i>	<i>Description</i>
M7	1/18/11	SP2011 semester begins	Group A continues with second semester of classes. Group B begins first semester of classes.
M8	2/28/11	Energy Management Advisory Board Meeting	Energy Management Advisory Board with Kane County representation meet to review current curriculum.
M9	2/28/11	Evaluate Course Work	Based on advice from Advisory Board, data from student evaluations (FA2010 semester) and Kane County representatives, prepare an evaluation of curriculum.
M10	2/28/11	ICCB Application	Apply to ICCB for additional course approval and certification as recommended by faculty and Energy Management Advisory Board.
M11	4/30/11	Formal Valuation	Select a third party to conduct a program valuation and make recommendations regarding continuous quality improvement.
M12	4/30/11	Recruit and register an additional 10 contractors in Kane County to start FA2011 semester	With Kane County, conduct recruitment activities to fill 10 committed seats for the FA2011 program, (herein known as Group C).
M13	5/20/11	Graduation of Group A	Group A contractor group graduates with Certificate in Renewable Energy Construction.

PHASE III: IMPLEMENTATION AND MONITORING			
<i>Milestone Number</i>	<i>Completion Date</i>	<i>Targeted Milestone</i>	<i>Description</i>
M14	8/22/11	FA2011 semester begins	Group B continues with second semester of classes. Group C begins first semester of classes.
M15	8/31/11	Energy Management Advisory Board Meeting	Energy Management Advisory Board with Kane County representation meet to review current curriculum, formal valuation results, and student evaluations (SP2011) results.
M16	12/18/11	Graduation of Group B	Group B contractor group graduates with Certificate in Renewable Energy Construction.
M17	1/17/12	SP2012 semester begins	Group C continues with second semester of classes.
M18	3/31/12	Evaluate Program Effectiveness	With input from graduates (Group A & B) and current student evaluations (FA2011), valuation results, Advisory Board and Kane County representative feedback: evaluate program effectiveness.
M19	5/18/12	Graduation of Group C	Group C contractor group graduates with Certificate in Renewable Energy Construction.
M20	6/30/12	Energy Management Advisory Board Meeting	Energy Management Advisory Board with Kane County representation meet to review current curriculum and program effectiveness findings.
M21	6/30/2012	Program Evaluation	Conduct impact and summative evaluation of program objectives. Were the core principles of the project realized?
8/23/2012: Grant Expires			

Project Budget:

	Expenditure Accounts	Tuition	Contractual Services	Instructional Supplies & Equipment	TOTAL
1	Tuition Fees (30 participants)	\$60,000.00			\$60,000.00
2	Books (30 participants)	\$18,000.00			\$18,000.00
3	Third Party Accredited Program Evaluation		\$3,000.00		\$3,000.00
4	Supplies and Equipment			\$13,000.00	\$13,000.00
5	Curriculum Development		\$6,000.00		\$6,000.00
6	TOTAL COSTS	\$78,000.00	\$9,000.00	\$13,000.00	\$100,000.00

Appendix A: Energy Management Program (ECS) Description

The Elgin Community College Energy Management Program prepares students for careers within the energy management industry.

The program seeks to align its training with the needs of the industry by preparing students with coursework in the areas of Building Siting and Shell Design, Building Automations Systems, Energy Auditing, Passive Solar Heating, Photovoltaic Energy, Wind Energy, Heating and Air Conditioning Systems and Heat Pumps.

To insure that the coursework is relevant to today's changing industrial energy needs, the program is reviewed twice a year by an advisory committee consisting of experts from the renewable energy industries serving the Fox Valley area.

Certificate in Renewable Energy Construction

The Certificate in Renewable Energy Construction has been designed in cooperation with Kane County to serve the immediate needs of contractors who build energy efficient structures and install and service renewable energy systems in the Fox Valley area.

Appendix B: Renewable Energy Construction Course Descriptions

Course	Description	Eligible Activities*	Schedule	Credit Hours
<p>ECS 117 Introduction to Sustainable Heating Systems</p>	<p>Introduction to solar air heating using a combination of lecture, and fabrication lab sessions. Students will design, build and evaluate a solar air heating system. The design will include; material selection, heat transfer, and cost benefit analysis. The fabrication will include the use of standard hand tools and materials. The evaluation will include fundamental heat gain calculations and the use of air flow and temperature monitoring instruments. (1.2) Proficiency Credit Not Available Pass/No Credit Not Available</p>	<ul style="list-style-type: none"> • Assessment of solar resources (3) • Fundamental energy auditing (3) • Use of instrumentation (9) <ul style="list-style-type: none"> ○ Data loggers ○ Thermal imaging • Conservation of energy by improving existing structures with (3,6): <ul style="list-style-type: none"> ○ insulation ○ fenestration ○ lighting ○ mechanical systems 	<p>FA2010 SP2011 FA2011</p>	<p>3</p>
<p>ECS 236 Fox Valley Survey of Renewable Energy (Special Topics)</p>	<p>This survey course looks at the particular features of the Fox Valley and the specific opportunities for development of renewable energy resources; wind, geothermal and solar. The course will consist of presentations by area experts, facilitated by an ECC Energy Management faculty member.</p>	<ul style="list-style-type: none"> • Assessment of local wind resources (1) • Types and application of wind turbines(9) • Viability of wind energy systems (6) • Viability of photovoltaic systems (6) • Financial incentives to use renewable energy (4) 	<p>FA2010 SP2011 FA2011</p>	<p>3</p>

Course	Description	Eligible Activities*	Schedule	Credit Hours
ECS 202 Commercial Load Calculations	Provides a comprehensive study for heating and cooling load calculations for commercial buildings. Provides a wide range of procedures-both manual calculations procedures and computer-assisted. Emphasizes the Transfer Function Method (TFM) as a baseline procedure. CLTD/SCL/CLF are discussed. Course is repeatable to six credits. (1.2) Proficiency Credit Available Pass/No Credit Not Available	<ul style="list-style-type: none"> • Use of ACCA Manual J in determining heat and cooling loads structures. (3,6,8) 	FA2010 SP2011 FA2011	3
HAC 236 Introduction to Photovoltaic Systems (Special Topics)	This course covers the fundamental function and operation of Photovoltaic systems, including; PV cell types, location, Grid tied and off grid systems, battery and inverter requirements, and a discussion of local codes as they apply to Renewable Energy Systems.	<ul style="list-style-type: none"> • Assessment of solar resources (3) • Electrical energy conservation (6) • Use of instrumentation: <ul style="list-style-type: none"> ○ Watt meters ○ Thermal imaging • Conservation of energy by improving existing structures with: <ul style="list-style-type: none"> ○ Lighting ○ Mechanical systems 	SP2011 FA2011 SP2012	3

Course	Description	Eligible Activities*	Schedule	Credit Hours
ECS 236 Energy Auditing (Special Topics)	This course discusses the fundamental purpose of an energy audit, the three types of audit, as well as lab work covering the use and application of standard auditing tools, specificity; blower door testing, duct pressurization testing, and the appropriate use of thermal imaging cameras.	<ul style="list-style-type: none"> • Three types of energy audit (3,5) • Utility bill review (10) • Retrofitting for efficiency (10) 	SP2011 FA2011 SP2012	3
ECS 110 Codes and Standards	Familiarization with and identification of sources of current federal, state, local codes and standards (ASHRAE) applied to building, plumbing, electrical, heating, ventilation, refrigeration and air conditioning systems. Course is repeatable to four credits. (1.2) Proficiency Credit Available Pass/No Credit Not Available	<ul style="list-style-type: none"> • Illinois Mechanical Code (10) • International Mechanical Code NFPA 70 (10) • 2009 International Energy Conservation Code 	SP2011 FA2011 SP2012	3

*See Appendix C: Eligible Activities with corresponding numbers.

Appendix C: ELIGIBLE ACTIVITIES

A list of eligible activities for use of program funds is contained in Sec. 544 of EISA. Additional activities may be eligible pending approval by the DOE. The activities below are therefore not an exhaustive list and should be used as a guide to the intent of the program. DOE encourages each entity to develop a strategy, including its component activities, that is likely to result in maximum energy efficiency improvements, fossil-fuel emission reductions, economic benefits and total energy use reduction.

1. Development of an Energy Efficiency and Conservation Strategy: Entities may use a grant received under this part to develop and/or implement a strategy for energy efficiency and conservation and to carry out activities to achieve the purposes of the program. All entities receiving direct formula grants from the DOE are required to submit a proposed strategy for approval.

2. Technical Consultant Services: Entities may retain technical consultant services to assist the eligible entity in the development of such a strategy, including formulation of energy efficiency, energy conservation, and energy usage goals; identification of strategies to achieve those goals through efforts to increase energy efficiency, reduce fossil fuel emissions or reduce energy consumption through investments or by encouraging behavioral changes. Entities may develop methods to measure progress in achieving the goals. Entities may develop and publish annual reports to the population served by the eligible entity describing the strategies and goals and the progress made in achieving them during the preceding calendar year.

3. Residential and Commercial Building Energy Audits: Entities may support the conduct of residential and commercial building energy audits.

4. Financial Incentive Programs: Entities may establish financial incentive programs and mechanisms for energy efficiency improvements such as energy saving performance contracting, on-bill financing, and revolving loan funds.

5. Energy Efficiency Retrofits: Grants may be made to nonprofit organizations and governmental agencies for the purpose of retrofitting existing facilities to improve energy efficiency.

6. Energy Efficiency and Conservation Programs for Buildings and Facilities: Entities may develop and implement energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the entity. The range of activities includes the design and operation of the programs; the identification of the most effective methods for achieving maximum participation and efficiency rates; public education; measurement and verification protocols; and identification of energy efficient technologies.

7. Development and Implementation of Transportation Programs: Entities may develop and implement programs to conserve energy used in transportation, including but not limited to:

- Employee flex time programs;
- Promoting use of satellite work centers;
- Development and promotion of zoning guidelines or requirements that promote energy efficient development;
- Development of infrastructure such as bike lanes and pathways and pedestrian walkways;

- Synchronization of traffic signals;
- State/locals/regional integrated planning activities (i.e. transportation, housing, environmental, energy, land use) with the goal of reducing greenhouse gas emissions and vehicle miles traveled;
- Incentive programs to reduce commutes by single occupancy vehicles;
- Improvements in operational and system efficiency of the transportation system such as implementation of intelligent transportation system (ITS) strategies;
- Idle-reduction technologies and/or facilities to conserve energy, reduce harmful air pollutants, and greenhouse gas emissions from freight movement; and
- Installation of solar panels on interstate rights-of-way to conserve energy in highway operations and maintenance activities.

8. Building Codes and Inspections: Entities may develop and implement building codes and inspection services to promote building energy efficiency.

9. Energy Distribution: Entities may implement distributed energy resource technologies that significantly increase energy efficiency, including:

- District heating and cooling systems
- Combined heat and power systems
- Cogeneration systems
- Energy Storage systems
- Absorption chillers
- Desiccant humidifiers
- Micro turbines
- Ground source heat pumps

10. Material Conservation Programs: Entities may implement activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency.

11. Reduction and Capture of Methane and Greenhouse Gases: Entities may use grant funds to purchase and implement technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar waste related sources, such as wastewater treatment plants, operations producing food waste, dairy farms and other animal operations.

12. Traffic Signals and Street Lighting: Entities may use grant funds to replace traffic signals and street lighting with energy efficient lighting technologies, including light emitting diodes; and any other technology of equal or greater energy efficiency.

13. Renewable Energy Technologies on Government Buildings: Entities may use grant funds to develop, implement, and install on or in any government building of the eligible entity onsite renewable energy technology that generates electricity from renewable resources, including solar energy; wind energy; fuel cells; and biomass.

14. Any Other Appropriate Activity: Entities may submit any other appropriate activity for approval in the Energy Efficiency and Conservation Strategy.