

**Date** May 23, 2022

**RESOLUTION APPROVING JOINT CLEAN ENERGY STATEMENT OF INTENT TO COOPERATE BETWEEN THE CITY OF DES MOINES AND MIDAMERICAN ENERGY COMPANY**

WHEREAS, the MidAmerican Energy Company has agreed to electric and gas franchises adopted by the City of Des Moines on this date; and,

WHEREAS, the City of Des Moines promulgated these franchises based on MidAmerican Energy agreeing to cooperate with the City’s clean energy goals as expressed in the attached Resolution Approving Joint Clean Energy Statement of Intent to Cooperate Between the City of Des Moines and MidAmerican Energy Company; and,

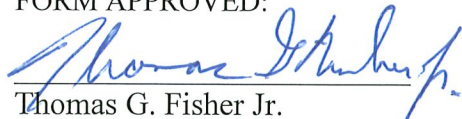
WHEREAS, both the City an MidAmerican Energy have agreed to the attached statement of intent;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The Resolution Approving Joint Clean Energy Statement of Intent to Cooperate Between the City of Des Moines and MidAmerican Energy Company is hereby approved.
2. The City Manager is hereby authorized and directed to execute the Resolution Approving Joint Clean Energy Statement of Intent to Cooperate Between the City of Des Moines and MidAmerican Energy Company on behalf of the City.

Moved by \_\_\_\_\_ to adopt; Seconded by \_\_\_\_\_.

FORM APPROVED:



Thomas G. Fisher Jr.  
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, P. KAY CMELIK, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

CITY OF DES MOINES AND MIDAMERICAN ENERGY COMPANY  
JOINT CLEAN ENERGY STATEMENT OF INTENT TO COOPERATE

The City of Des Moines Iowa (“**City**”) and MidAmerican Energy Company, an Iowa corporation (“**Company**”) hereby execute this Joint Clean Energy Statement of Intent to Cooperate (“Joint Statement of Intent”) in accordance with the goals and objectives stated below.

I. RECITALS

WHEREAS, the City is responsible for protecting the public health, safety and welfare of its residents, which includes facilitating access to clean air; clean, reliable, and affordable energy; clean water and a livable environment where the community can thrive; and

WHEREAS, the Company is a public utility under section 476.1(3) of the Iowa Code with a responsibility for providing safe and reliable electrical and natural gas service to its customers at rates that are reasonable and just and in a manner that is non-discriminatory; and

WHEREAS, the Company is a leader in renewable and clean energy that currently serves more than 88% of its customers annual energy needs with renewable energy and has a goal of serving 100% of its customers annual energy needs with renewable energy by 2025; and

WHEREAS, the Company has a further goal of attaining net-zero carbon emissions by 2050 while maintaining affordability and reliability, and promoting the personal and economic vitality of Iowa’s communities, businesses and residents; and

WHEREAS, overwhelming public support for the City’s commitment to transition to carbon-free energy resources, which can accelerate the transition to carbon free energy resources and reduce harmful greenhouse gas (GHG) emissions, encourages the City to cooperate and collaborate with the Company to capitalize on existing initiatives and invest in new and innovative solutions that enable that transition; and

WHEREAS, the City’s commitment to these efforts demonstrates and advances the City’s dedication to meeting federal and international climate goals; and

WHEREAS, the City has determined that increasing meaningful access to clean energy resources and decreasing pollution and greenhouse gas emissions will benefit all Des Moines residents, visitors, businesses, as well as the state of Iowa, through improved public health, additional economic growth opportunities, workforce development, long-term energy cost stability, and enhanced energy security and resilience;

NOW, THEREFORE, the City and the Company hereby state their desire and intent to work voluntarily and cooperatively to support the City's carbon free energy goals as identified herein, through programs, initiatives, and innovative technologies that may be unique to the City, and, where feasible, scalable to other interested communities. These efforts will be further developed through ongoing feasibility analysis, collaboration, and implementation work.

## II. CITY GOALS

The City is motivated by overwhelming scientific consensus that governments must act now to address changing climactic conditions and the increased hazards these changes pose to our communities. The City is further motivated by continued demand for renewable energy systems, rapid technological advancements in energy generation and storage, and the desire to maintain affordable and stable long-term energy rates. The City aligns with and affirms international and national policy recognizing the criticality of accelerating a transition to clean energy resources and the retirement of fossil fuel resources to limit global warming to 1.5 degrees Celsius, as recommended by the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6) and prior assessments.

As a result, the City is committed to reducing pollution, emissions, and the carbon intensity of energy used in City facilities and communitywide in Des Moines through City Resolution Number 21-0040. The City has set a goal to transition to 24/7 carbon-free electricity communitywide by 2035. The City has also established goals to achieve a 28% reduction in greenhouse gas emissions over 2008 levels by 2025, a 45% reduction in GHG emission by 2030, and net-zero GHG emissions by 2050. The City also herein recognizes its role in supporting the transition to clean energy, as a signatory to the UN 24/7 Clean Energy Compact.

The City desires to accelerate adoption of energy efficiency, and demand management across municipal operations and communitywide understanding that the cleanest and most affordable energy is energy not used. This, in turn, will reduce energy costs for the City and consumers. The City also desires to accelerate clean energy, beneficial electrification, and distributed energy resources. The City will support grid-scale renewable and clean energy projects that expand access to clean energy for City facilities and the community at large while reducing fossil fuel usage.

The City aspires to the goal that the net-cost impact, if any, to energy users within the City of Des Moines associated with achieving its stated clean energy goals will remain reasonable. The City envisions measures that will keep energy rates low, and where feasible, facilitate increased savings, with a high priority placed on reducing energy burdens for low-to-moderate income residents.

The City acknowledges that net lifecycle financial impacts, including both costs and benefits associated with measures used to achieve its energy goals will benefit, and thus be the responsibility of, the City and energy users within Des Moines city limits. The City further acknowledges that a) the Company is a rate-regulated public utility subject to state and federal regulation and limitation, including but not limited to chapter 476 of the Iowa Code and the rules of the Iowa Utilities Board (“IUB”); b) the Company may require IUB or other regulatory approval as to the terms, costs, and rates relating to energy services provided by the Company for certain solutions and strategies, all of which must remain consistent with and authorized by applicable law and regulation; c) the Company is specifically prohibited from offering or implementing rates, terms, services, programs or other solutions that are discriminatory or that benefit the City or customers within the city to the detriment of other customers, and that d) the Company therefore cannot and does not guarantee or warrant that it will deliver or implement any specific solution, strategy, result or outcome generally described herein. The City will reasonably and in good faith work to support any effort by Company to obtain IUB or other regulatory approval that the City determines will support the purposes and goals herein, and will reasonably and in good faith support any regional or federal energy regulatory or operational planning action that the City determines will support the purposes and goals herein.

### III. FOCUS AREAS FOR COOPERATION

The City and the Company will endeavor to support effective energy efficiency, beneficial electrification, and clean energy resource options and programs for all energy users in the City—residential, commercial, industrial, governmental and non-profit—to reduce carbon emissions, support decarbonization of buildings and transportation systems, and make significant progress towards the City’s use of clean energy resources, reduced emissions, and reduced energy usage goals. As used in this document, “beneficial electrification” means replacing direct fossil fuel use with electricity in a way that reduces overall emissions and energy costs and benefits both the end-user and the environment.

The City and the Company will endeavor to work together on ongoing initiatives, programs, and projects, including the City’s Energy and Water Benchmarking Program as established by Article IX, sections 26-900 to 26-909 of the City’s Code of Ordinances, to assist property owners with achieving improved energy efficiency through energy use data collection, benchmarking, increased building performance, and energy efficiency programs.

The City and the Company will endeavor to work together on programs that may include energy efficiency, demand management, energy storage, high-performance building design, and carbon-free and renewable energy projects, including programs designed to

provide energy users within Des Moines the ability to subscribe to the Company's clean energy resources as permitted under Iowa law and any applicable MidAmerican tariff approved by the IUB.

The City and the Company will endeavor to jointly evaluate new technologies that advance smart-grid and customer and utility side solutions designed to allow efficient utilization of energy resources and reduce greenhouse gas emissions, and accelerate the deployment of renewable energy and electric vehicle charging infrastructure.

The City and the Company will endeavor to investigate smart city solutions to include district energy, vehicle-to-grid (V2G), building-to-grid (B2G) and other technologies that increase reliability and resilience, support a clean energy transition, decrease carbon emissions, and enhance continuity of service across City facilities and communitywide.

The City and the Company will endeavor to investigate options to deploy electric vehicles (EV) and expand electric vehicle service equipment and infrastructure (EVSE) and explore innovative technologies that support the growing EV market segment.

The City will endeavor to identify, evaluate, and implement solutions that expand access to inclusive financing mechanisms for low-to-moderate income customers and that work to reduce energy burdens for residents and businesses. Where feasible, the Company will provide technical expertise to assist the City in evaluating feasibility of specific City programs or initiatives. The City and Company will endeavor to identify and pursue grant and other beneficial project financing opportunities that can accelerate the evaluation, design, and implementation of identified solutions.

The City and Company acknowledge that the solutions and strategies identified above are not exclusive, and will endeavor to monitor, evaluate, and potentially pursue emerging solutions not yet identified or known.

#### IV. MUNICIPAL CLEAN ENERGY PROJECT OPPORTUNITIES

To facilitate progress toward the City's clean energy and carbon reduction goals for City facilities, and expand the City's municipal clean energy portfolio, the City will consult with the Company to identify opportunities to construct clean energy facilities and to participate in existing Company programs. The City will reasonably and in good faith support any related regulatory filing, as determined by the City, and provide feedback and guidance to the Company on the City's future programmatic needs, including data necessary to explore and implement solutions.

To the extent additional clean energy is or becomes available under the Company's Green

Advantage program or other future programs, including programs that support time-matched procurement, the City may subscribe to additional clean energy credits for City facilities in the future.

The City and the Company intend to cooperate to identify additional avenues for leveraging City assets (e.g., infrastructure and property) and City and Company investments to accomplish additional clean energy projects to achieve the City's municipal energy goals.

## V. IMPLEMENTATION STEPS AND TIMING

The City intends to develop a clean energy implementation plan outlining respective roles, processes, responsibilities, timelines, programs, and project development pathways, and costs to further the goals and purposes outlined in this joint statement of intent. The target deadline for completion and acceptance of the initial plan is December 30, 2022. The City and Company will endeavor to collaborate in the development of the plan, and the Company will reasonably and in good faith participate in a joint committee between employees of the parties that the City forms to guide the development of the plan.

The City and Company will endeavor to develop a long-term hourly load forecast to include energy and peak demand for City facilities and communitywide, to be updated annually throughout the duration of this joint statement of intent, with reasonable methodology to be developed as part of initial annual work planning. The forecast is intended to establish a baseline from which work on the clean energy implementation plan can be planned, implemented, and monitored. The City and Company will endeavor to work reasonably and proactively to identify reasonable and effective data sharing and transparency approaches that enable the City to effectively procure clean energy resources from the Company and match load to carbon free energy resources whether through certificates, credits, or other mutually acceptable means. The City and Company will execute a separate agreement that specifically governs data sharing before initiating the data sharing described in this paragraph.

The City and the Company will endeavor to jointly publish an annual report by December 30<sup>th</sup> of each year, beginning in 2023, to detail status and progress towards achieving the clean energy, energy efficiency, and carbon reduction goals set forth herein.

The City and the Company will endeavor to cooperate reasonably and in good faith to secure necessary authority or approvals from City residents, the IUB, or other applicable regulatory or legislative authority for mutually agreeable projects and programs.

The City and the Company will endeavor to work together reasonably and in good faith to develop and implement projects and programs to help the City achieve its carbon-free energy and emissions reduction targets.

## VI. COMMITMENT OF COOPERATION

As stated above, the City and Company desire to work together to further the City's goals and the objectives as stated herein, as well as related plans that are jointly developed over time.

The City and Company acknowledge that responsive service and continued stewardship to the community and customers each serve motivates each to endeavor to meet the climate and energy needs of the City with innovative, practical, affordable, and reliable solutions that meet the climate challenges of our time.

Because of the importance of the goals and objectives stated herein:

- A. The City and Company wish to communicate as often as necessary and will endeavor to meet at least annually to discuss progress and other energy and emissions related matters. Annual meetings will include the City's mayor and the Company's CEO or their respective designees.
- B. The City and the Company will work in good faith to amend or restate this Joint Statement of Intent to align with then current goals, programs, initiatives, and technologies on an ongoing basis. The parties will cooperate to make the first amendment or restatement to the Joint Statement of Intent no later than June 1, 2026, and at least every five years thereafter.

## VII. ACKNOWLEDGMENTS

The City and Company acknowledge that this joint statement of intent, and the goals, purposes, and objectives stated herein, are aspirational in nature. Wherever this instrument describes an intent to cooperate, collaborate, or endeavor, it conveys an intent on behalf of each to act reasonably and in good faith, consistent with and in compliance with all applicable laws and regulations, and in a manner that is consistent with each party's respective interests and does not expose either to unreasonable costs, expenses, or risks. This statement of intent, being general in nature, is not intended to, and does not, create binding obligations on either the City or Company, and shall not be enforceable by either against the other, either at law or in equity, nor shall it be enforceable at law or in equity by any third party against either the City, the Company, or both, any third-party beneficiaries being specifically disclaimed. This joint statement of intent does not form any joint venture, legal partnership, or other association between the City and the Company. Nothing in the foregoing shall preclude the City and the Company from entering further binding agreements to accomplish projects or initiatives that arise from the joint efforts taken hereunder, as mutually agreed by the City and County through subsequent written agreements.

IN WITNESS WHEREOF, the parties to this JOINT STATEMENT OF INTENT have affixed their signatures:

\_\_\_\_\_  
Mayor Frank Cownie  
City of Des Moines

Date: \_\_\_\_\_

\_\_\_\_\_  
Scott Sanders  
City Manager, City of Des Moines

Date: \_\_\_\_\_

\_\_\_\_\_  
Kelcey Brown  
President and CEO, MidAmerican Energy Company

Date: \_\_\_\_\_