

ORDINANCE 71132

**BOARD BILL NUMBER 219AA INTRODUCED BY ALDERWOMAN
HEATHER NAVARRO/ALDERMAN JACK COATAR/ALDERWOMAN ANNIE
RICE/ALDERMAN DAN GUENTHER/ALDERWOMAN MEGAN E.
GREEN/ALDERWOMAN CHRISTINE INGRASSIA/ALDERMAN BRET
NARAYAN**

1 An ordinance entitled “Building Energy Performance Standards”; the purpose of this
2 ordinance is to establish energy performance standards for certain buildings in the City of St.
3 Louis.

4 **WHEREAS**, the City has set a goal of reducing community-wide greenhouse gas
5 emissions 100% by 2050 from 2005 levels.

6 **WHEREAS**, the source of approximately 80% of greenhouse gas emissions in the City
7 of St. Louis is existing commercial, residential and industrial buildings.

8 **WHEREAS**, research has demonstrated that the reduction of greenhouse gas emissions
9 likely to contribute to regional carbon reductions that will result in better air quality important
10 for health and well-being.

11 **WHEREAS**, the City has previously adopted Ordinance Number 70474, entitled
12 “Building Energy Awareness” which established energy benchmarking and reporting
13 requirements for certain buildings; which also aims to raise awareness about the opportunities to
14 reduce energy use and greenhouse gas emissions from our largest buildings to help meet the
15 City’s climate goals; the City has collected two years of benchmarking data and sees an
16 opportunity for these buildings to improve.

17 **WHEREAS**, the City desires through this article to establish energy performance
18 standards for certain buildings within its jurisdiction in order to save money on energy costs while
19 further reducing greenhouse gas emissions.

20 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

1 That by and through this ordinance entitled “Building Energy Performance Standards”, this
2 Board seeks to establish energy standards for certain buildings in the City.

3 **SECTION ONE. Purpose and Policy.** The purpose of this ordinance is the establishment of
4 building energy performance standards for municipal, commercial, institutional, and multi-
5 family properties that have a total gross floor area of 50,000 square feet or above within the City.

6 **SECTION TWO. Definitions.** Unless the context specifically indicates otherwise, the meaning
7 of terms used in this article shall be as follows:

8 A. “Commissioner” means the City of St. Louis Building Commissioner, or the Commissioner’s
9 designee;

10 B. “Owner” means any of the following:

11 1. An individual or entity possessing title to a covered property;

12 2. The net lessee in the case of an entire property subject to a triple net lease
13 with a term of 10 years or more;

14 3. The board in the case of a condominium;

15 4. The board in the case of a cooperative apartment corporation; or

16 5. An agent authorized, in writing on file with the Commissioner, to act on behalf of any
17 of the above.

18 C. “Person” means any individual, partnership, co-partnership, firm, company, corporation,
19 association, joint stock company, trust, estate, governmental entity or any other legal entity, or
20 their legal representatives, agents or assigns. This definition includes all federal, state or local
21 governmental entities.

22 D. “Condominium” means a site that combines separate ownership of individual units with
23 common ownership of other elements such as common areas.

1 E. “Covered property” means a building that is greater than or equal to 50,000 gross square feet
2 in total gross floor area. The term “covered property” shall not include any building owned by
3 the State of Missouri or the federal government.

4 F. “Energy” means electricity, natural gas, steam, hot water, chilled water, biomass or fuel oil to
5 the covered property or generated on-site for purposes of providing heating, cooling, lighting,
6 water heating, or for powering or fueling other end-uses captured by the ENERGY STAR
7 Portfolio Manager.

8 G. “Site energy use” means the annual amount of all the energy a property consumes on-site as
9 calculated by ENERGY STAR Portfolio Manager or an alternative system or tool approved by
10 the Building Commissioner.

11 H. “Site energy use intensity (EUI)” means the site energy use divided by the gross floor area of
12 the property as calculated by ENERGY STAR Portfolio Manager or an alternative system or tool
13 approved by the Building Commissioner.

14 I. “Weather normalized site energy” means the energy use a property would have consumed
15 during 30-year average weather conditions as calculated by ENERGY STAR Portfolio Manager
16 or an alternative system or tool approved by the Building Commissioner.

17 J. “ENERGY STAR Portfolio Manager” means the web-based tool developed and maintained by
18 the U.S. Environmental Protection Agency to track and assess the relative energy performance of
19 buildings nationwide. An alternative system or tool may be approved by the Commissioner.

20 K. “Financial hardship” (of a property) means a property that:

- 21 1. had arrears of property taxes or water or refuse charges that resulted in the property’s
22 inclusion, within the prior 2 years, on the city’s annual tax lien sale list; or
23 2. Has a court appointed receiver in control of the asset due to financial distress; or

- 1 3. Is owned by a financial institution through default by the borrower; or
- 2 4. Has been acquired by a deed in lieu of foreclosure; or
- 3 5. Has a senior mortgage subject to a notice of default.

4 L. “Communications infrastructure” means facilities used to house equipment to deliver
5 electronic communications services, including voice, broadband, data and video services.

6 M. “Gross floor area” means the total property square footage, as measured between the exterior
7 walls of the building(s). This includes all finished areas inside the building(s) including
8 supporting areas.

9 N. “Qualified affordable building(s)” means a building in which a majority of the households in
10 the building make less than eighty percent of the Area Median Income for the City of St. Louis.

11 **SECTION THREE. Applicability.** This article shall apply to municipal, commercial,
12 institutional, and multi-family buildings 50,000 square feet or above within the City of St. Louis.

13 A. “Covered property” means a building that is greater than or equal to 50,000 gross square feet
14 in total gross floor area; including:

15 1. a building that is owned by the City; or for which the City regularly pays all or a
16 majority of the annual energy bills.

17 2. a building that is held in the condominium form or ownership that is governed by the
18 same board, and that is greater than or equal to 50,000 gross square feet in total gross floor area

19 **SECTION FOUR. Standards & Compliance** The City shall establish energy performance
20 standards for covered buildings in the City. The following standards regarding building energy
21 performance shall be for property types outlined in Applicability Section:

22 A. Standards for each property type will be set by May 4, 2021 through a stakeholder
23 engagement process overseen by the Building Energy Improvement Board. Standards will be

1 revised no later than every four years. The chief performance metric will be site energy use
2 intensity (EUI). Standards will be set no lower than the 65th percentile by property type such that
3 at least 65% of the buildings of that property type have a higher EUI.” 1. The Building Division
4 shall establish data verification requirements for each four-year compliance cycle.

5 2. The building energy performance standard shall be no lower than the 65th percentile
6 site energy use intensity (EUI) for buildings of each property type collected through
7 benchmarking reporting from ENERGY STAR Portfolio Manager.

8 3. To the extent practical, target site EUIs by property type will be based on local
9 buildings’ benchmarking data.

10 4. If building owners believe that due to unusual circumstances they will be unable to
11 meet the building energy performance standards established by the City by the deadline or
12 exceptionally burdened by doing so, then they may propose and present an alternative
13 compliance plan for consideration by the Building Energy Improvement Board for approval.

14 B. Building owners will comply through the existing benchmarking reporting process, which
15 uses ENERGY STAR Portfolio Manager as the reporting tool.

16 C. Compliance cycles.

17 1. Performance standards will be set by May 4, 2021 by the Building Energy
18 Improvement Board and revised every four years thereafter. Following every compliance cycle,
19 there shall be a period of time of up to one year between each compliance cycle to allow the
20 Building Energy Improvement Board time to reevaluate and to update the building energy
21 performance standards. The first Building Energy Performance standards shall be approved no
22 later than May 4, 2021.

1 2. First Building Energy Performance Standard compliance cycle shall begin on the day
2 they are approved and end four years after that day. The compliance cycle will end no later than
3 May 1, 2025.

4 (a) Except that qualified affordable building(s) and houses of worship shall
5 comply with a compliance cycle of six years in order to provide owners with adequate
6 time to work through considerable financing and capacity constraints. The compliance
7 cycle shall begin the day they are approved and end six years after that day. The
8 compliance cycle will end no later than May 4, 2027.

9 D. Compliance pathways

10 1. Buildings that meet their respective building energy performance standard at the end of
11 the four-year compliance cycle are compliant.

12 2. Buildings performing below the building energy performance standard or if building
13 owners believe that due to unusual circumstances they will be unable to meet the building energy
14 performance standards established by the City by the deadline or exceptionally burdened by
15 doing so, then they may conduct the following:

16 (a) presenting an alternative compliance plan for consideration and approval by
17 the Building Energy Improvement Board. Implementation of any alternative compliance
18 plans must begin no later than May 4, 2024.

19 (i) alternative compliance plans shall be made private between the Board
20 and the building owner and/or building owner's authorized representatives.

21 (b) make an alternative compliance payment to the Building Division or daily
22 ordinance violation as determined by the Building Commissioner.

1 E. Building Energy Improvement Board will create a pathway for buildings that benefit from
2 deep energy improvements and achieve energy performance well beyond the required
3 performance standard to be in compliance for 15 years.

4 **SECTION FIVE. Office of Building Performance - Creation and Purpose.** The office
5 of Building Performance is hereby established within the Building Division. The mission
6 of this office will be to oversee the implementation, compliance and enforcement of the
7 existing Building Energy Awareness ordinance (#70474), the Building Energy
8 Performance Standards ordinance, and any future ordinances related to building energy
9 improvement and performance.

10 **SECTION SIX. Building Energy Improvement Board.** There is hereby established a
11 Building Energy Improvement Board (hereinafter, “Building Energy Improvement Board”
12 or “Board”).

13 A. Board Composition and Roles.

14 1. The Board shall consist of nine members appointed by the Mayor. At least six
15 members of the Board shall be residents of the City of Saint Louis and three members shall
16 be residents of the St. Louis region.

17 2. Within 60 days of the applicability date of this title, the Building Energy Improvement
18 Board shall be established, which shall:

19 (a) Establish and approve building energy performance standards by property type
20 for each compliance cycle, as recommended by the Building Division;

21 (b) Review and, as necessary, recommend amendments to proposed regulations
22 issued by the Building Division;

23 (c) Recommend complementary programs or policies;

1 (d) Review appeals regarding any action(s) taken due to this ordinance and the
2 Building Energy Awareness Ordinance (#70474)

3 (e) Provide sample alternative compliance plans to meet building energy
4 performance standards

5 (f) Review alternative compliance plans submitted and make recommendations
6 for approval or denial by the Building Division.

7 3. The Building Energy Improvement Board shall be comprised of representatives, or
8 their designees, from the following, but not limited to, possible entities:

9 a) Building Division

10 b) local utilities

11 c) a provider of energy efficiency or renewable energy services

12 d) affordable and/or multi-family housing representative

13 e) affordable housing tenant

14 f) labor

15 g) technical building design professional(s)

16 h) environmental non-profit

17 i) commercial building

18 j) engineering

19 4. A technical sub-committee shall also be established and charged with reviewing and
20 acting on alternative compliance plans and would consist of at least 80 percent of technical
21 experts. Members of the technical sub-committee may also be members of the full Building
22 Energy Improvement Board. The decision(s) of the sub-committee can be appealed to the full
23 Building Energy Improvement Board.

1 5. Alternates to Board. The alternates shall have all power, protection, and stipends as
2 the regular board members in accordance with Civil Service protection. The alternates shall be
3 appointed by the Mayor for four-year terms.

4 6. Term of Office. All appointments and subsequent appointments shall be for a term of 4
5 years and shall expire on the anniversary of the date of the original term, except appointments to
6 fill vacancies which shall be for the unexpired term. Terms for first appointments will be
7 staggered. Members whose appointed terms have expired shall be permitted to continue to serve
8 until reappointed or replaced by a new appointee.

9 7. Procedures. The Board shall elect one of its members as chair who shall serve as such
10 during the remainder of the calendar year or until a successor is elected. The Board shall from
11 time to time adopt rules and regulations as shall be reasonably necessary to govern its procedure
12 and to carry into effect the provisions of this article.

13 a) These rules and regulations shall be available for review at the office of the
14 Secretary to the Board during normal working hours. It shall be unlawful for any appellant
15 or appellant's representative to contact any member of the board on any matter that is
16 pending or scheduled to be heard by the Board.

17 8. Compensation. The Building Energy Improvement Board members and technical sub-
18 committee members shall be compensated for services rendered on a per meeting basis as
19 established by rulemaking and subject to budgeted funds availability. Fifty dollars (\$50) shall be
20 paid to each member present on a per meeting basis. Budgeted funds will be paid from the
21 Building Division.

22 B. Meetings; Witnesses; Minutes.

1 1. Meetings of the Board shall be held at the call of the chairman and at such other
2 times as the Board shall permit by its rules. The chair, or in the chair's absence, the
3 acting chair shall administer oaths. The Board shall act by a majority vote and a quorum
4 shall consist of at least 5 members.

5 2. All hearings shall be conducted in accordance with the provisions of the Missouri
6 Administrative Procedure Act. All testimony shall be given under oath or affirmation. The Board
7 Chair or Secretary to the Board may issue subpoenas to secure the attendance and testimony of
8 relevant witnesses and the production of relevant documents.

9 3. The Board shall keep minutes of its proceedings showing the vote of each member on
10 each question, or if absent or failing to vote, indicating such fact, and shall keep records of its
11 examinations of witnesses and other official acts. Transcripts of hearings shall be permitted to be
12 kept in the custody of the court reporter and need not be transcribed unless requested. The party
13 requesting the transcripts shall pay all costs of such transcripts required including a file copy for
14 the board, one for the Building Division, and one for the Board's legal staff.

15 C. Exemptions.

16 1. The Board may grant an extension of the performance standard submission date or an
17 exemption from the building energy performance standard requirement to the owner of a covered
18 property that submits a request, together with documentation, in a form prescribed by the Board's
19 rule, at least 90 days prior to any building energy performance standard submission deadline, if
20 the appellant meets any of the following criteria:

- 21 a) A demolition permit was issued or is demolition is planned during a compliance
22 cycle, provided that demolition work has commenced and energy-related systems have
23 been significantly compromised.

1 b) The Building Energy Improvement Board determines that due to special
2 circumstances unique to the applicant’s facility and not based on a condition caused by
3 actions of the applicant, strict compliance with provisions of this ordinance would cause
4 financial hardship or would not be in the public interest.

5 c) The property is primarily used for manufacturing or other industrial purposes for
6 which benchmarking results would not meaningfully reflect covered property energy use
7 characteristics due to the intensive use of process energy.

8 d) The property is primarily used for communications infrastructure.

9 e) The property is owned by the State of Missouri or the federal government.

10 2. Any owner requesting such an extension or exemption shall provide the Board any and
11 all documentation requested to substantiate the request or otherwise assist the Board in the
12 extension or exemption determination. Any extension or exemption granted shall be limited to the
13 building energy performance standard submission for which the request was made and shall not
14 extend to past or future submittals.

15 **SECTION SEVEN. Appeals.** Appeals of any decision of the Commissioner regarding any
16 person’s failure to meet any required building energy performance standard can be appealed to
17 the Building Energy Improvement Board.

18 A. Filing Date of Appeal.

19 Any allowable appeal pursuant to this article shall be filed within thirty (30) calendar
20 days after the decision of the building official that is being appealed.

21 B. Manner and Fee for Filing Appeals.

22 Appeals shall be taken by filing with the Secretary to the Board a notice of appeal on such
23 forms as prescribed by the Board specifying the grounds thereof. The Board Secretary shall

1 immediately transmit to the Board such notice and all papers constituting the record upon which
2 the action 12 appealed from is taken. The notice of appeal shall be accompanied by a fee of \$100.

3 C. Multiple Appeals.

4 In the event that more than one building, structure, or premises owned by the same person,
5 firm, or corporation has been cited for exactly the same violation and the owner has filed an appeal
6 with the board disputing the same citation, the appellant shall be permitted to file one appeal
7 covering all said buildings, structures, or premises and be charged one appeal fee. The decision
8 rendered by the Board shall apply to all buildings, structures, or premises involved in the appeal.

9 D. Board Hearings; Notifications.

10 After an appeal has been filed, the Secretary to the Board shall place the appeal on a Board
11 hearing agenda and the appellant shall be notified in writing by certified mail prescribing the time,
12 date, and location of the hearing not less than seven days prior to said hearing. Such hearing shall
13 be held within a reasonable time after the filing of the notice of appeal, depending on the
14 scheduling of other appeals.

15 E. Appeals From Decisions of the Board.

16 Any person(s) jointly or severally aggrieved by the decision of the Energy Performance
17 Standards Board shall be entitled to judicial review of the decision rendered by the Board as
18 provided in the Administrative Procedure and Review Act of the State of Missouri, being Sections
19 536.100 - 536.140 of the Revised Statutes of Missouri.

20 F. Hearing Officer.

21 The Building Energy Improvement Board shall have the right to appoint a hearing officer
22 to hear and render a decision on any appeal filed with the Board.

1 The hearing officer shall be an attorney and on an approved list of attorneys who have
2 administrative law experience. The Director of Public Safety shall compile and maintain said list.
3 The hearing officer shall have such rights, responsibilities, and duties as the Building Energy
4 Improvement Board and the appellants shall have the same rights as an appellant appearing before
5 the Building Energy Improvement Board, including the right to appeal pursuant to Missouri's
6 Administrative Procedure and Review Act.

7 **SECTION EIGHT. Rules.** The Commissioner may promulgate such rules as are necessary to
8 carry out the provisions of this article.

9 **SECTION NINE. Severability.** If any section, subsection, sentence, clause, phrase or other
10 portion of this article is for any reason declared unconstitutional or invalid, in whole or in part,
11 by any court of competent jurisdiction, such portion shall be deemed severable, and such
12 unconstitutionality or invalidity shall not affect the validity of the remaining portions of this
13 article, which remaining portions shall continue in full force and effect.

14 **SECTION TEN. Emergency Clause.** This being an Ordinance necessary for the immediate
15 preservation of public peace, health and safety, it is hereby declared to be an emergency measure
16 within the meaning of Sections 19 and 20 or Article IV of the Charter of the City of St. Louis
17 and therefore this Ordinance shall become effective immediately upon its passage and approval
18 by the Mayor.

19 **SECTION ELEVEN. Maintenance of Records.**

20 Owners of covered property shall maintain records that are necessary for demonstrating
21 compliance with this article, including but not limited to, the energy and water bills and any reports
22 or forms received from tenants and utilities. All such records shall be preserved for a period of 7

1 years from the applicable submission date. At the request of the Commissioner, such records shall
2 be made available for inspection and audit by the Commissioner.

3 When a covered property changes ownership, the previous owner shall provide the new
4 owner all information for the years complying with the energy performance standard during the
5 time the previous owner was still in possession of the property.

6 **SECTION TWELVE. Violations and Enforcement.** Ordinance violation. Any person who fails
7 to comply with any building energy performance information submittal requirement mandated by
8 this article or misrepresents any material fact in a document or report prepared as required by this
9 article shall result in the following:

10 A. written warning shall be issued by the Commissioner to any owner who fails to submit
11 any required building energy performance information. Such warning letter shall be effective on
12 the date of issuance and shall be mailed to the owner's last known address as determined by county
13 record.

14 B. In the event required benchmarking and data verification information is not reported
15 within 60 days of the date the written warning is issued, said failure shall constitute an offense and
16 shall be punishable, upon conviction, a fine not less than one dollar nor more than five hundred
17 dollars or by imprisonment for not more than ninety days or by both such fine and imprisonment.
18 Each day of the violation continues shall constitute a separate offense.

19 C. Additional available remedies. If any person violates the provisions of this article, the
20 City Counselor's Office may initiate an action for legal or equitable relief in any court with
21 appropriate jurisdiction. A petition for legal or equitable relief shall not be a bar against, or a
22 prerequisite for, taking any other action against any person.

1 D. Nonexclusivity. The remedies provided for in this article are not exclusive. The
2 Commissioner may take any, all, or combination of these actions, or any other action available at
3 law, against any person.

BOARD BILL NUMBER 219
FISCAL NOTE

Preparer's Name Frank Oswald

Phone Number or Email Address (will be available publicly) 314-622-3318

Bill Sponsor Heather Navarro

Bill Synopsis:	Creating an energy performance standard for buildings greater than 50,000 SQ. FT.
Type of Impact:	Significant impact on promotion of environmentally friendly construction/development practices.
Agencies Affected:	Building Division

SECTION A

Does this bill authorize:

- An expansion of services which entails additional costs beyond that approved in the current adopted city budget? __x__ Yes ___ No
- An undertaking of a new service for which no funding is provided in the current adopted city budget? __x__ Yes ___ No
- A commitment of city funding in the future under certain specified conditions? __x__ Yes ___ No
- An issuance of bonds, notes and lease-purchase agreements which may require additional funding beyond that approved in the current adopted city budget? ___ Yes x__ No
- An execution or initiation of an activity as a result of federal or state mandates or requirements? ___ Yes x__ No
- A capital improvement project that increases operating costs over the current adopted city budget? ___ Yes x__ No
- A capital improvement project that requires funding not approved in the current adopted city budget or that will require funding in future years? ___ Yes x__ No

**If the answer is yes to any of the above questions, then a fiscal note must be attached to the board bill.
Complete Section B of the form below.**

SECTION B

- Does the bill require the construction of any new physical facilities? Yes No

- If yes, describe the facilities and provide the estimated cost:

- Is the bill estimated to have a direct fiscal impact on any city department or office? Yes No

- If yes, explain the impact and the estimated cost:

Increased staffing and associated costs (see attached budget)

- Does the bill create a program or administrative subdivision? Yes No

- If yes, then is there a similar existing program or administrative subdivision?

Yes No

- If yes, explain the how the proposed programs or administrative subdivisions may overlap:

Bill will create Office of Building Performance. This office will support existing Plan Review process for building permits. This office will absorb our current City Energy Project and enforce/manage both the Building Energy Performance Standard ordinance and the Building Energy Awareness ordinance, which the Building Division also enforces/manages.

- Describe the annual operating, equipment, and maintenance costs that would result from the proposed bill, as well as any funding sources:

Annual operating costs (see attached budget)

Complete the chart below to list the total estimated expenditures required of the City resulting from the proposed board bill and any estimated savings or additional revenue.

Financial Estimate of Impact on General Fund			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures			
Additional Revenue			
Net			
Financial Estimate of Impact on Special Funds			
Fiscal Impact	<u>Year 1 (current)</u>	<u>Year 2</u>	<u>Year 3</u>
Additional Expenditures			
Additional Revenue			
Net			

- Describe any assumptions used in preparing this fiscal note:

Fund 116 which is used for lead remediation will be expanded to environmental causes.

- List any sources of information (including any City officials, agencies, or departments) used in preparing this fiscal note:

Frank Oswald – Building Commissioner; Rajiv Ravulapati – City Energy Project/Government Services Analyst; David Thackwell – Accountant

- Have the financial estimates of this bill been verified by the City Budget Division?

____ Yes No

OFFICE OF BUILDING PERFORMANCE BUDGET REQUEST FY21

11/13/2019

BUILDING DIVISION

ACTUAL

PROPOSED T.O.				INCREMENTAL COST
	Program Manager II	16M	\$ 74,308.00	\$ 6,734.00
	Government Services Analyst	16G	\$ 54,860.00	\$ 54,860.00
	Environmental Engineer	15G	\$ 47,814.00	\$ 47,814.00
	Secretary II	10G	\$ 27,924.00	\$ 27,924.00
			\$ 204,906.00	\$ 137,332.00
PROPOSED NS BUDGET REQUEST				
ACCT	ACCOUNT DESCRIPTION		AMOUNT REQUESTED	
5101000	Salaries Regular Employees		\$ 204,906.00	\$ 137,332.00
5136000	Soc Security Coverage		\$ 15,675.31	\$ 10,505.90
5137000	Employee Health Insurance		\$ 33,600.00	\$ 33,600.00
5138000	ERS Contribution		\$ 25,818.16	\$ 17,303.83
5138100	ERS Debt Contribution		\$ 4,098.12	\$ 2,746.64
5142000	Employees Life Insurance		\$ 799.13	\$ 535.59
5144201	Long Term Disability		\$ 286.87	\$ 192.26
5147000	Workers Comp		\$ 2,971.14	\$ 1,991.31
5197000	27th Pay Reserve		\$ 901.59	\$ 604.26
	Subtotal		\$ 288,154.72	\$ 204,207.54
5234000	Computer and Tech Supplies		\$ 3,000.00	\$ 2,000.00
5235000	Office Supplies		\$ 1,000.00	\$ 1,500.00
5654095	Computer and Tech Systems Development		\$ 5,000.00	\$ 5,000.00
5335000	Office and Computer		\$ 2,500.00	\$ 6,500.00
	TOTAL		\$ 299,654.72	\$ 219,207.54

○ If yes, by