

Ordinance No. 585-2023 AS AMENDED

**By Council Members Kazy, Hairston and
Griffin (by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Directors of Finance and Economic Development to enter into one or more agreements with DigitalC for the deployment of a citywide broadband network and to provide related equipment and services to Cleveland residents; authorizing other agreements; and authorizing the appropriate director to apply for and accept any gifts, grants or services from any public or private entity.

WHEREAS, according to the latest American Community Survey issued by the U.S. Census, as of 2021, approximately 35 percent of Cleveland households do not have at-home broadband internet and 17 percent of Cleveland households have no broadband connection at all, including through cell phones; and

WHEREAS, the affordability of internet service is a major obstacle that can prevent residents from using and benefiting from the internet, and other significant obstacles to obtaining internet service include the ease of subscribing, access to federal programs, access to internet-enabled devices, lack of outreach and engagement, and lack of training or coaching; and

WHEREAS, the City seeks to ensure that every household in the City has access to a low-cost, high-quality internet service plan, and has the digital skills, knowledge, and equipment necessary to fully utilize the internet (the "Project"); and

WHEREAS, the Project will benefit and improve the economic welfare of the residents of the City; and

WHEREAS, the City has issued a Request for Proposal for Closing the Digital Divide, and, after review and evaluation of several proposals, the City has determined that DigitalC, a local nonprofit internet service provider with expertise in providing both low-cost, high-quality internet service plans and digital adoption services, provided the most comprehensive proposal for the Project; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

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Section 1. That the Directors of Finance and Economic Development are authorized to enter into one or more contracts with DigitalC to provide economic development assistance for the deployment of a citywide broadband network, to provide laptops and tablets to qualifying Cleveland residents, and to provide professional services to implement the Project, including but not limited to, digital adoption and trainings services to Cleveland residents.

Section 2. That the contract or contracts with DigitalC shall include provisions consistent with the term sheet placed in File No. ~~585-2023-A~~ 585-2023-B.

Section 3. That, notwithstanding Section 183.16 of the Codified Ordinances of Cleveland, Ohio, the Director of Capital Projects, ~~or appropriate director,~~ is authorized to enter into license agreements with DigitalC to implement this ordinance.

Section 4. That the term of the license agreements shall be perpetual and shall automatically renew year to year unless terminated by either party.

Section 5. That the license agreements shall be prepared by the Director of Law which shall include the requirement that DigitalC maintain and keep the installation in repair at no cost to the City during the term of the Project and remove the installation at no cost to the City when the Project is terminated.

Section 6. That the Director of Capital Projects is authorized to issue encroachment permits if necessary, revocable at the will of Council or the Director of Capital Projects, to DigitalC to encroach into the public ~~right-of-ways~~ right-of-way to implement this ordinance.

Section 7. That the Director of Law shall prepare the encroachment permit(s) authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit(s) shall be issued only when, in the opinion of the Director of Law, DigitalC has

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properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 8. That DigitalC may assign the ~~permit~~ permit(s) only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Administrative Manager of the City's Division of Engineering and Construction. That DigitalC shall obtain all other required permits, including but not limited to Street Opening / Obstruction Permits or Building Permits, before installing the encroachment(s).

Section 9. That the ~~permit~~ permit(s) shall reserve to the City reasonable ~~right~~ rights of entry to the encroachment location(s).

~~Section 10.~~ That the ~~Directors of Finance and Economic Development and other appropriate City officials are authorized to execute any other documents or certificates and take any other action necessary to implement this ordinance.~~

Section 10. That the Director of Finance, Economic Development, or other appropriate director, shall provide all members of Council a quarterly report from DigitalC concerning the effectiveness of this program, by ward if available, and will include but not be limited to, installation of networks and the results of optimization audits.

Section 11. That the contracts authorized by this ordinance shall be prepared by the Director of Law and contain such terms and conditions as the Director of Law determines necessary to protect the public interest.

Section 12. That the Directors of Finance, Economic Development and Law, ~~and such appropriate City officials are authorized to execute any other document and take any other actions as may be necessary or appropriate to implement this ordinance.~~

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Section 13. That the Directors of Finance and Economic Development, ~~and any other appropriate director,~~ are authorized to apply for and accept any gifts, grants, or services to implement this ordinance from any public or private entity; and that the appropriate director is authorized to file all papers and execute all documents necessary to receive any gift, grant funds or services; and that the funds are appropriated for the purposes described in this ordinance.

Section 14. That the cost of this ordinance shall not exceed \$20,000,000 and shall be paid from Fund No. 10 SF 400, from the fund or funds to which are credited any gift or grant accepted under this ordinance, and other funds approved by the Director of Finance. (RQS 1511, RLA 2021-58)

Section 15. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

SKM:nl
5-8-2023
FOR: Directors Abonamah and Jackson

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**REPORT
after second Reading**

**By Council Members Kazy, Hairston and Griffin
(by departmental request)**

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READ FIRST TIME

REPORTS

and referred to

CITY CLERK

READ SECOND TIME

by the council

CITY CLERK

READ THIRD TIME

by the council

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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