

Ordinance No. 449-2023

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

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of repairing, renewing, and/or replacing transmission water mains, valves, and appurtenances for various projects and related site improvements; authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement; and to apply for and accept additional funding to implement this ordinance.

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:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of repairing, renewing and/or replacing existing transmission water mains, valves and appurtenances to the Highland Trebisky main in South Euclid from the intersection of Highland Road and Trebisky Road to the intersection of Trebisky Road and Monticello Boulevard in the City of Richmond Heights; the steel transmission main in Ridge Road in Brooklyn from Memphis Avenue to Flowerdale Avenue; and the transmission mains attached to the bottom of the bridge decks at Hamilton, St. Clair and Payne Avenues over the I-90 Innerbelt (the "Improvement"), for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the Director of Public Utilities and/or the Director of Finance is authorized to apply for and accept one or more Water Supply Revolving Loan Account ("WSRLA") loans from the Ohio EPA Ohio Water Development Authority, or other appropriate state agency to provide partial financing for the Improvement.

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Section 5. That the Director of Public Utilities and/or the Director of Finance is authorized to enter into one or more loan agreements with the Ohio Water Development Authority, the Ohio EPA, Ohio Water Development Authority, or other appropriate state agency, for one or more WSRLA loans, which loan agreement or agreements shall contain additional terms that are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities and/or the Director of Finance is further authorized to file all papers and execute all documents necessary to receive the funds under the WSRLA Agreement or Agreements; and appropriate the loan funds for the purposes set forth in the WSRLA Agreement or Agreements.

Section 6. That upon execution of the WSRLA Agreement or Agreements, the Director of Public Utilities and/or the Director of Finance is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the WSRLA Agreement or Agreements, from the operating revenues of the Division of Water.

Section 7. That the Director of Public Utilities and/or the Director of Finance is authorized to apply for and accept grants as they become available and other funding from the United States of America and its federal agencies, the state of Ohio and its state agencies, public agencies and/or pass-through entities approved by the governmental entity and that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant or grants; and that the funds are appropriated for the purposes described in this ordinance.

Section 8. That the cost of the public improvement and other expenditures authorized shall be paid from Fund Nos. 52 SF 001, from the fund or funds to which are credited the loan proceeds received under the WSRLA agreement, the fund or funds to which are credited any grant funds received, from the fund or funds to which are credited the proceeds from the sale of future bonds, if authorized for this purpose, and other funds approved by the Director of Finance. (RQS 2002, RLA 2023-33)

Section 9. 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.

BD:nl
4-10-2023
FOR: Director Keane

