

# Ordinance No. 159-2020

**Council Members Johnson, Brancatelli  
and Kelley (by departmental request)**

## AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of rehabilitating the pond and dock area at Camp Forbes; authorizing the Director of Capital Projects or the Director of Public Works to enter into contract to construct the improvement; authorizing one or more contracts for its design; authorizing the Director of Capital Projects to apply for and accept a grant from the Ohio Department of Natural Resources; and to apply for and accept any cash gifts or grants from any public or private entity needed to implement the improvement.

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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 rehabilitating the pond and dock area at Camp Forbes (the “Improvement”), for the Department of Public Works, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Capital Projects or Public Works, as appropriate, is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price 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 for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Capital Projects or Public Works, as appropriate, 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 Capital Projects or Public Works, as appropriate, is authorized to employ by contract or contracts one or more consultants or

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one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects or Public Works from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects Public Works for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects or Public Works, and certified by the Director of Finance.

Section 5. That the Director of Capital Projects is authorized to apply for and accept a grant in the approximate amount up to \$500,000, and any other funds that may become available during the grant term, from the Ohio Department of Natural Resources to assist in making the Improvement via project reimbursement assistance (“ODNR grant”); that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the legislative summary for the grant contained in the file described below.

Section 6. That the legislative summary for the grant, **File No. 159-2020-A**, including the obligation of the City of Cleveland to provide funding for the Improvement less the amount of reimbursement assistance received by the City under the ODNR grant authorized above, is approved in all respects and shall not be changed without additional legislative authority.

Section 7. That the Director of Capital Projects or Public Works, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the Director of Capital Projects or Public

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Works, as appropriate, is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in this ordinance.

Section 8. That the cost of the contracts and other expenditures authorized shall be paid from the fund or funds to which are credited any future bond funds issued for this purpose, the fund or fund to which are credited any grant proceeds accepted under this ordinance, including the ODNR grant, cash gifts, and from any other funds approved by the Director of Finance. (RQS 0103, RLA 2020-14)

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.

SM:nl  
2-3-20

FOR: Director Spronz and Cox

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**READ FIRST TIME on FEBRUARY 3, 2020** **REPORTS**  
**and referred to DIRECTORS of Capital Projects, Public Works, City Planning Commission, Finance, Law; COMMITTEES on Municipal Services and Properties, Development Planning and Sustainability, Finance**

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CITY CLERK

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READ SECOND TIME

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CITY CLERK

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READ THIRD TIME

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PRESIDENT

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CITY CLERK

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APPROVED

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MAYOR

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
MUNICIPAL SERVICES  
AND PROPERTIES**

FILED WITH COMMITTEE

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
DEVELOPMENT, PLANNING AND  
SUSTAINABILITY**

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**PASSAGE RECOMMENDED BY  
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FINANCE**

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