

Ordinance No. 1278-2023

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

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Utilities to employ one or more professional consultants to assist in the management of Program Year 3 of the City's project of replacing various lead and galvanized service lines; authorizing the purchase by one or more requirement contracts of copper service lines, copper connections, and related appurtenances, including but not limited to materials, labor and installation, if necessary, for the Division of Water; and authorizing the Director of Public Utilities and/or the Director of Finance to apply for and accept one or more Water Supply Revolving Loan Account loans, grants and other funding.

WHEREAS, the recently passed Federal Bipartisan Infrastructure Law, (the Infrastructure Investment and Jobs Act), has set aside \$15 billion for lead-line removal nationally over the next several years; and

WHEREAS, Ohio's share of the money is estimated at \$355 million, which will be administered by the Ohio Environmental Protection Agency (the "EPA") in five (5) annual rounds ("Program Years"); and

WHEREAS, the City will apply for funding for Program Year 3 to replace various lead and galvanized service lines that run from the water main to the curb stop valve, and when necessary from the curb stop valve into the building up to the meter setting, with copper service lines and copper connections for the Department of Public Utilities, Division of Water (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:

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or 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 to assist in the management of the Project, including but not limited to, designing, inspecting, performing a lead inventory, and other related services needed to implement the Project.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities 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 Public Utilities, and certified by the Director of Finance.

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Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period to be determined by the Director of Public Utilities of the necessary items of copper service lines, copper connections, and other necessary appurtenances needed to implement the Project, including but not limited to, materials, labor and installation, as necessary, for the Division of Water, and concrete repair, tree lawn restoration, and pavement restoration, including but not limited to, materials, labor and installation, as necessary, for the Division of Water in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 3. 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 Water Development Authority, the Ohio EPA or other appropriate state agency. The Director or Public Utilities and/or the Director of Finance has applied for or intends to apply for Ohio funding for the following list of projects and they may not perform all of these projects, depending in part on the level of state funding received:

PROJECT
CWD LSLR 3-1
CWD LSLR 3-2
CWD LSLR 3-3
CWD LSLR 3-4
CWD LSLR 3-5
CWD LSLR 3-6
CWD LSLR 3-7
CWD LSLR 3-8
CWD LSLR 3-9
CWD LSLR 3-10
CWD LSLR 3-11 Special Cases 1
CWD LSLR 3-12 Special Cases 1
CWD LSLR 3-13 Special Cases 3
CWD LSLR 3-13 Special Cases 4
CWD LSLR 3-14 SUPPLIES - Filters 1
CWD LSLR 3-14 SUPPLIES - Filters 2
CWD LSLR 3-14 SUPPLIES - Curb Boxes & Bases 1
CWD LSLR 3-14 SUPPLIES - Curb Boxes & Bases 1
CWD LSLR 3-19 Supplies Copper & Brass 2
CWD LSLR 3-20 Supplies Copper & Brass 2

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Section 4. 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 or other appropriate state agency, for one or more WSRLA loans, which loan agreement or agreements may contain additional terms that are deemed acceptable by the Director of Public Utilities and/or the Director of Finance and 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 loan agreement or agreements, and appropriate the loan funds for the purposes set forth in the WSRLA loan agreement or agreements.

Section 5. That upon execution of the WSRLA loan 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 loan agreement or agreements, from the operating revenues of the Division of Water.

Section 6. The Director of Public Utilities and/or the Director of Finance is authorized to apply for and accept grants, awards and other funding as it may become available from 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. Such funds may be principal forgiveness or low-interest twenty-year loans.

Section 7. That under Section 108(b) of the Charter, the purchases and services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases and services, and may enter into one or more contracts with the vendors or consultants selected through that cooperative process.

Section 8. That the costs of the requirement contract or contracts shall be paid from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited any loan funds or grant proceeds received, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

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Section 9. That the cost of the professional services shall be paid from Fund No. 52 SF 001, the fund or funds to which are credited the loan proceeds received under any WSRLA loan agreement, or from any other loan and grant funds received, or from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, and from other funds approved by the Director of Finance. (RQN 2002, RL 2023-49)

Section 10. 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.

GB:nl
11-13-2023
FOR: Director Keane

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REPORT
after second Reading

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READ FIRST TIME on NOVEMBER 13, 2023
and referred to **DIRECTORS of Public Utilities, Finance, Law;**
COMMITTEES on Utilities, Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
UTILITIES

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, DIVERSITY, EQUITY
and INCLUSION

FILED WITH COMMITTEE

