

Resolution No. 605-2020

AS AMENDED

By Council Members Kelley, Slife,
B. Jones, Griffin, Polensek, Zone, Bishop,
Conwell, Cleveland, McCormack and Kazy

AN EMERGENCY RESOLUTION

Urging the Ohio General Assembly to immediately repeal House Bill 6, a billion-dollar ratepayer bailout of two failing Ohio nuclear power plants of First Energy Corporation. ratepayer bailout of two failing nuclear power plants, and authorizing an investigation of the actions of those entities involved in the House Bill 6 corruption probe, as those actions relate to and impact the affairs of the City of Cleveland.

~~WHEREAS, according to recently released information from the U.S. Department of Justice, First Energy Corporation (First Energy) and a cabal of corrupt elected officials, lobbyists, and consultants, allegedly devised and executed a complex scheme to capture the Ohio House of Representatives; and~~

~~WHEREAS, the purpose of this public corruption racketeering conspiracy was to pass House Bill 6 (HB 6), a piece of legislation which bailed out the failed nuclear plants of First Energy, with the ratepayers paying the \$1.3 billion dollar cost of this bailout; and~~

~~WHEREAS, this anti-consumer legislation also cut support and funding for renewable energy in Ohio, including wind and solar; and~~

~~WHEREAS, in order to pass this anti-consumer and anti-environmental piece of legislation, First Energy spent approximately \$60 million, which was laundered through various shell entities and funneled into political operations; and~~

~~WHEREAS, additional tactics were also used by the HB6 conspirators, including litigation, the creation of phony public opinion and contrived grassroots support, the use and misuse of signature collection for and against HB6, and various other public relations strategies; and~~

~~WHEREAS, the combined effect of all these corrupt practices was the successful passage of HB6, and the stymying of repeal efforts of that legislation, with a resulting \$1.3 Billion bailout for First Energy, which was a long-term public policy goal of First Energy; and~~

~~WHEREAS, First Energy has another long-term public policy goal specific to the City of Cleveland—namely, the restriction or destruction of Cleveland Public Power; and~~

~~WHEREAS, several of the tactics used in the charged racketeering conspiracy to enact HB6 are similar to tactics used by First Energy and their allies in Cleveland, including the use of phony citizen groups and the use of significant campaign funds and political pressure; and~~

~~WHEREAS, Cleveland City Council has resisted these efforts at the local level, just as we oppose those efforts as embodied by the passage of HB 6; and~~

~~WHEREAS, this body asserts the City of Cleveland's right to operate its own municipal utility, Cleveland Public Power, and First Energy's attempts to restrict and/or destroy Cleveland Public Power through litigation, political pressure, or any other means, will be resisted to our utmost; and~~

~~WHEREAS, this body shall endeavor to investigate the scope and scale of First Energy, and/or their agents and allies, attempts to apply the tactics used in the racketeering conspiracy to enact HB6, here in the City of Cleveland; and~~

~~WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,~~

~~WHEREAS, there is a federal investigation into actions taken by Company A and other entities including elected officials, lobbyists and consultants known as Generation Now to pass HB 6 so that Company A could meet its long-term public policy goal: a \$1.3 billion dollar bailout by ratepayers of its failed nuclear power plants; and~~

~~WHEREAS, to carry out its plan, Company A spent approximately \$60 million dollars, which was laundered through various shell entities and funneled into political operations; and~~

~~WHEREAS, this Council has reason to believe that Company A has other long-term public policy goals specific to the City of Cleveland: to restrict or destroy Cleveland Public Power and to influence or control the City's legislative body as well as its executive branch; and~~

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WHEREAS, the tactics used in the racketeering conspiracy to enact HB 6 are similar to those used by Company A and its allies against the City of Cleveland: applying political pressure using phony citizen groups and paying out significant dollars to fund its objectives; and

WHEREAS, Section 46 of the Charter of the City provides that the Council or any person or committee authorized by the Council shall have the power to make investigation as to City affairs; and

WHEREAS, pursuant to Charter Section 46 and Section 111.09 of the Codified Ordinances, the Council has provided that the chair of a standing committee of the Council, with the approval of the President of Council, may subpoena witnesses, administer oaths, and compel testimony and the production of books, papers, records and other evidence in furtherance of such investigations; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, in that the citizens of the City have the right to know the scope and scale of the corrupt political activities by Company A and its affiliates and the impact of those activities on the City and City government now, therefore,

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

Section 1. That this Council urges the Ohio General Assembly to immediately repeal House Bill 6, a ~~billion-dollar ratepayer bailout of two failing Ohio nuclear power plants of First Energy Corporation.~~ billion-dollar ratepayer bailout of two failing nuclear power plants.

Section 2. That the Finance Committee of this Council is hereby authorized to investigate the actions of affiliates and entities funded or controlled by any entity named in the federal indictment related to the House Bill 6 corruption probe, as those actions relate to and impact the affairs of the City.

The Chair of the Finance Committee shall determine the procedure for conducting the investigation consistent with Charter Section 46 and Section 111.09 of the Codified Ordinances.

~~Section 2~~ Section 3. That the Clerk of Council is directed to send a copy of this resolution to all members of the Ohio General Assembly.

~~Section 3~~ Section 4. That this resolution is hereby 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 adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

jho
For Council Member Kelley
7/29/2020

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In the title, strike lines 4 and 5 in their entirety and insert: "ratepayer bailout of two failing nuclear power plants, and authorizing an investigation of the actions of those entities involved in the House Bill 6 corruption probe, as those actions relate to and impact the affairs of the City of Cleveland."

2. Strike all of the existing whereas clauses and insert the following:

"WHEREAS, there is a federal investigation into actions taken by Company A and other entities including elected officials, lobbyists and consultants known as Generation Now to pass HB 6 so that Company A could meet its long-term public policy goal: a \$1.3 billion dollar bailout by ratepayers of its failed nuclear power plants; and

WHEREAS, to carry out its plan, Company A spent approximately \$60 million dollars, which was laundered through various shell entities and funneled into political operations; and

WHEREAS, this Council has reason to believe that Company A has other long-term public policy goals specific to the City of Cleveland: to restrict or destroy Cleveland Public Power and to influence or control the City's legislative body as well as its executive branch; and

WHEREAS, the tactics used in the racketeering conspiracy to enact HB 6 are similar to those used by Company A and its allies against the City of Cleveland: applying political pressure using phony citizen groups and paying out significant dollars to fund its objectives; and

WHEREAS, Section 46 of the Charter of the City provides that the Council or any person or committee authorized by the Council shall have the power to make investigation as to City affairs; and

WHEREAS, pursuant to Charter Section 46 and Section 111.09 of the Codified Ordinances, the Council has provided that the chair of a standing committee of the Council, with the approval of the President of Council, may subpoena witnesses, administer oaths, and compel testimony and the production of books, papers, records and other evidence in furtherance of such investigations; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, in that the citizens of the City have the right to know the scope and scale of the corrupt political activities by Company A and its affiliates and the impact of those activities on the City and City government now, therefore,"

3. In Section 1, strike line 2 in its entirety and insert: "billion-dollar ratepayer bailout of two failing nuclear power plants."

4. Insert new Section 2 to read as follows:

"Section 2. That the Finance Committee of this Council is hereby authorized to investigate the actions of affiliates and entities funded or controlled by any entity named in the federal indictment related to the House Bill 6 corruption probe, as those actions relate to and impact the affairs of the City.

The Chair of the Finance Committee shall determine the procedure for conducting the investigation consistent with Charter Section 46 and Section 111.09 of the Codified Ordinances."

5. Renumber existing Section 2 and Section 3 to new "Section 3" and "Section 4".