

Ordinance No. 369-2022

By Council Members Kazy and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To amend Sections 1a, 2a, 10, 11, and 12 of Ordinance No. 1368-15, passed December 7, 2015, as amended, relating to constructing the new pump station and elevated water tower, installing water mains, and making related site improvements as components of the Boosted Third High System in Richfield, Ohio.

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 Sections 1a, 2a, 10, 11, and 12 of Ordinance No. 1368-15, passed December 7, 2015, as amended by Ordinance No. 653-2021, passed October 25, 2021, are amended to read as follows:

Section 1a. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement components described in Section 1 with the lowest responsible bidder or bidders after competitive bidding for a gross price for those portions of 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 those portions of the Improvement. That a copy of the request for legislation, summarizing the project, has been placed in File No. ~~1369-15-A~~ 1368-15-A.

Section 2a. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement component described in Section 2 with the lowest responsible bidder or bidders after competitive bidding on a unit basis for that portion of 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. That a copy of the request for legislation, summarizing the project, has been placed in File No. ~~1369-15-A~~ 1368-15-A.

Section 10. That the Director of Public Utilities and/or the Director of Finance is authorized to apply for and accept a one or more Water Supply Revolving Loan Account (“WSRLA”) loan loans from the Ohio Water Development Authority in the approximate amount of \$6,000,000 to provide partial financing for the Improvement.

Section 11. That the Director of Public Utilities and/or the Director of Finance is authorized to enter into a loan agreement one or more loan agreements with the Ohio Water Development Authority, or other appropriate state agency, for a one or more WSRLA loan 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.

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Section 12. 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 2. That existing Sections 1a, 2a, 10, 11, and 12 of Ordinance No. 1368-15, passed December 7, 2015, as amended by Ordinance No. 653-2021, passed October 25, 2021, are repealed.

Section 3. 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
4-18-2022
FOR: Director Keane

