

# Ordinance No. 1085-17

## AN EMERGENCY ORDINANCE

To enact Section 129.296 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the Suburban Water Main Renewal Program.

Council Members Pruitt and Kelley  
(by departmental request)

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WHEREAS, the City of Cleveland, Division of Water, has entered into, and will continue to enter into, Restated Water Service Agreements, Asset Transfer Agreement, and Joint Economic Development Agreements with suburban communities, which include the transfer of ownership of suburban water distribution assets to the City of Cleveland, as well as obligations related to regional cooperation and tax sharing; and

WHEREAS, the Division of Water is obligated under the Restated Water Service Agreements to replace and rehabilitate such water distribution assets, which include water mains and appurtenances; and

WHEREAS, in many cases the suburban communities may contract for the replacement and/or rehabilitation of water mains and appurtenances as part of larger construction projects such as road resurfacing performed by said communities; and

WHEREAS, the Division of Water seeks codified authority to reimburse suburbs for the design, construction, and administration of the water main asset work performed on projects the suburbs administer; 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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 129.296 to read as follows:

Section 129.296     Suburban Water Main Renewal Program

(a) 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 section.

(b) The Director of Public Utilities is authorized to apply for and accept one or more Water Supply Revolving Loan Account ("WSRLA") loans to provide additional funding for the Suburban Water Main Renewal Program.

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(c) The Director of Public Utilities is authorized to enter into one or more loan agreements with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan, and shall contain additional terms that are acceptable to the Director of Law to protect the public interest. The Director of Public Utilities is further authorized to file all papers and execute all documents necessary to receive the funds under the WSRLA Agreements; and appropriate the loan funds for the purposes as set forth in the WSRLA Agreements.

(d) That on execution of the WSRLA Agreement, the Director of Public Utilities is authorized to repay the loan funds to the Ohio Environmental Protection Agency and the Ohio Water Development Authority under the terms and conditions of the WSRLA Agreements, from the operating revenues of the Division of Water.

(e) The Director of Public Utilities is authorized to provide funds to any contracting suburban community that is a signator to the Restated Water Service Agreement that, while following the City's rules and regulations for the Suburban Water Main Renewal Program, properly replaces or rehabilitates such water distribution assets, which include water mains and all related appurtenances, and that perform any other capital improvements to the community's existing water distribution system. The Director of Public Utilities is also authorized to enter into any agreements necessary to effect the reimbursement authorized under this section.

(f) The costs for the contracts shall be paid from funds appropriated for the Department of Public Utilities for this purpose and from the fund or funds which are credited from the sale of any waterwork revenue bond proceeds, if issued for this purpose.

Section 2. 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.

LW:nl  
9-18-17

FOR: Director Davis

**Ord. No. 1085-17**

**REPORT  
after second Reading**

**Council Members Pruitt and Kelley (by departmental request)**

**AN EMERGENCY ORDINANCE**

To enact Section 129.296 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to the Suburban Water Main Renewal Program.

**READ FIRST TIME on SEPTEMBER 18, 2017** **REPORTS**  
and referred to **DIRECTORS** of Public Utilities, Finance, Law;  
**COMMITTEES** on Utilities, 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  
UTILITIES**

FILED WITH COMMITTEE

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**PASSAGE RECOMMENDED BY  
COMMITTEE ON  
FINANCE**

FILED WITH COMMITTEE

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