

# Ordinance No. 1232-2023

By Council Members Kazy and Griffin  
(by departmental request)

## AN EMERGENCY ORDINANCE

To amend Section 129.295 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1287-15, passed November 16, 2015, relating to applying for and accepting grants and other funding for sewer projects in the Capital Improvement Plan to include all divisions of the Department of Public Utilities.

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 Section 129.295 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1287-15, passed November 16, 2015, is amended to read as follows:

Section 129.295 Applying for and Accepting Grants and Loans for the Department of Public Utilities Other Funding for Sewer Projects in the Capital Improvement Plan

(a) The Director of Public Utilities is authorized to apply for and accept grants as they become available from the United States of America and its agencies, the State of Ohio and its agencies, other public or private entities, and/or pass-through entities approved by the grantor, for utility projects for the various divisions of the Department of Public Utilities. ~~and other funding from various public agencies, including but not limited to, the Northeast Ohio Regional Sewer District, the Ohio Environmental Protection Agency, the United States Army Corps of Engineers, the United States of America, the State of Ohio, and other applicable agencies, as they become available, to fund sewer projects in the Capital Improvement Plan, for the Division of Water Pollution Control, Department of Public Utilities.~~

(b) The Director of Public Utilities and/or the Director of Finance, if appropriate, is authorized to apply for and accept loans as they become available from the United States of America and its agencies, the State of Ohio and its agencies, other public entities, and/or pass-through entities approved by the lender, for utility projects for the various divisions of the Department of Public Utilities. The Director of Public Utilities is further authorized to repay the loan funds in accordance with the terms and conditions of an agreement entered into under the authority of this section from funds appropriated for the use of the appropriate division of the Department of Public Utilities.

~~(b)~~(c) The Director of Public Utilities and/or the Director of Finance, if appropriate, is further authorized to file all papers, execute all documents, and enter into agreements necessary to apply for, accept, and receive the grant and other funding authorized under this section, provided that the City shall follow all applicable federal or state regulations.

~~(e)~~(d) That any funds received under this section are appropriated for the purposes described in the grant or funding applications, or any amendments made to the applications.

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~~(d)~~(e) If required under an agreement that is entered into under the authority of this section, matching funds shall be paid from funds appropriated for the use of the ~~Division of Water Pollution Control~~ appropriate division of the Department of Public Utilities, and when permitted by law and indentures, from any existing or future revenue bond funds if authorized for that purpose.

(e)(f) The Director of Public Utilities shall notify this Council, through its Clerk, of any funds accepted under the authority of this section, on receipt of each award.

Section 2. That existing Section 129.295 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1287-15, passed November 16, 2015, is 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.

KR:nl  
10-23-2023  
FOR: Director Keane

