

Ordinance No. 887-2020

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

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of rehabilitating and replacing the West 56th Street area sewer system, which may include but not be limited to sewer replacement and rehabilitation, and installing manholes and catch basins; authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement; and authorizing the director to apply for and accept any loans or grants from any public or private entity, including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding.

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, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of rehabilitating and replacing the West 56th Street area sewer system, which may include but not be limited to sewer replacement and rehabilitation, and installing manholes and catch basins (“Improvement”), for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for 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.

Section 3. That 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 ordinance.

Section 4. That the Director of Public Utilities is authorized to apply for and accept one or more grants from various public or private entities to make the Improvement; including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding or other funding to implement the Improvement, that the Director is authorized to file all papers and execute all

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documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in this ordinance.

Section 5. That the Director of Public Utilities is authorized to apply for and accept loans to provide funding for the Improvement.

Section 6. That the Director of Public Utilities is authorized to enter into any loan agreements with various public entities, including but not limited to, the Ohio Environmental Protection Agency for the Improvement. The agreements shall contain terms and conditions 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 loan funds; and appropriate the loan funds for the purposes described in this ordinance.

Section 7. That on execution of any loan agreement, the Director of Public Utilities is authorized to repay the loan funds in accordance with the terms and conditions of the Agreement, from funds approved by the Director of Finance.

Section 8. That the Director of Public Utilities is authorized to enter into any agreements necessary to implement this ordinance.

Section 9. That the cost of the contracts and other expenditures authorized shall be paid from Fund No. 54 SF 001, 54 SF 400, from the fund or funds to which are credited the proceeds of the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited the NEORS Community Cost Share Program funds, Member Community Infrastructure Program funds, from the fund or funds to which are credited the proceeds from any grant or loan received for this purpose; and from any funds approved by the Director of Finance. RQS 2003, RLA 2020-69.

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.

CH:nl
11-18-2020
FOR: Director Davis

