

Ordinance No. 469-2020

**By Mayor Jackson and Council Member
Kelley (by departmental request)**

FOR PASSAGE
June 3, 2020

AN EMERGENCY ORDINANCE

Authorizing various City directors to apply for, accept, and expend funds, loans, and gifts that become available from Federal, State, or other public entities and private entities to respond to and mitigate the impacts of the COVID-19 pandemic, including funds to reimburse the City for costs incurred as a result of COVID-19; and authorizing the appropriate director to file and execute all agreements and documents necessary for these purposes.

WHEREAS, the World Health Organization, the United States of America, the State of Ohio, Cuyahoga County, and the City of Cleveland each have declared COVID-19 a public health emergency;

WHEREAS, in response to the COVID-19 outbreak and its impact on the economy, public health, state and local government, individuals and business, Congress has passed several acts, including the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and Congress may pass additional similar acts; and

WHEREAS, the City desires to accept grants, loans, and gifts to assist in responding to and mitigating the impacts of the COVID-19 pandemic; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in that the timely authorization and the signing of the necessary agreements and documents to receive such grants, loans, and gifts to respond to and mitigate the impacts of the COVID-19 pandemic; now, therefore,

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

Section 1. That the Directors of Finance, Health, Community Development, Economic Development, Public Safety and other appropriate directors, as applicable to the duties of their departments or offices, (“Appropriate Director”) are authorized to apply for, accept, and expend Coronavirus Aid, Relief, and Economic Security (CARES) grants and any other grants, loans, or gifts from federal, state and local agencies or private entities for the purpose of responding to and mitigating the impacts of the COVID-19 pandemic for any eligible City improvements, projects, and programs, including reimbursements to the City for costs incurred by the various City departments

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as a result of COVID-19 (“COVID-19 Funding”); that the Appropriate Director is authorized to file and execute all documents and agreements necessary to receive, expend, and loan the COVID-19 Funding; and that the COVID-19 Funding is appropriated for the purposes described in such documents and in this ordinance.

Section 2. That the Appropriate Director is authorized to employ by contract or contracts one or more consultants or other professionals or one or more firms of consultants or other professionals necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the improvements, projects, and programs from COVID-19 Funding received under Section 1 of this ordinance. The selection of the professional consultants shall be made by the Board of Control on the nomination of the appropriate director.

Section 3. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make public improvements on public property in the City necessary to respond to the COVID-19 pandemic, for the various City departments, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for each improvement. The Appropriate Director is authorized to enter into one or more contracts for the making of each public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis, 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. The Appropriate Director is authorized to apply and pay for permits, licenses, or other authorizations to construct any such improvements.

Section 4. That the Appropriate Director is authorized to make one or more written standard contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be

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determined by the Appropriate Director, for the purchase or rental of the necessary items of labor, materials, equipment, supplies, and services necessary to respond to and mitigate the impacts of the COVID-19 pandemic, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the appropriate department. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. The costs of any requirement contract shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase or procurement, which purchase or procurement, together with all later purchases or procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

In accordance with Section 108(b) of the Charter, the Appropriate Director is also authorized to enter into agreements and sign all documents necessary to purchase these items through cooperative purchase arrangements with other government agencies.

Section 5. That the Appropriate Director is authorized to enter into one or more agreements with the federal government, the State of Ohio, Cuyahoga County, and any other public or private entity as needed for the purpose of responding to and mitigating the impacts of the COVID-19 pandemic.

Section 6. That the Appropriate Director is authorized to enter into loan, forgivable loan, or grant agreements with various agencies, corporations, individuals, or other entities to implement the purposes authorized under any grants or gifts received under this ordinance and is authorized to accept monies in repayment and to utilize repayments for making additional expenditures to implement the purposes authorized under any grants or gifts. That the Appropriate Director is further authorized to accept promissory notes, naming the City of Cleveland as payee, mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and

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secure repayment of loans and to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and services costs, any revenues generated as a result of charging fees, and any other program income are appropriated for additional program and operating expenses for eligible activities.

Section 7. That all agreements authorized by this ordinance shall be approved by the Director of Law and contain such terms and conditions as necessary to protect the public interest consistent with the purposes of this ordinance.

Section 8. That the cost of any expenditure incurred under this ordinance, including all contracts, shall be paid from any COVID-19 Funding received under this ordinance, from the fund or funds to which are credited the proceeds of any existing or future bond issue that includes these purposes, and from any other funds that are appropriated for this purpose as determined by the Director of Finance.

Section 9. That this Council affirms that any funds received from Cuyahoga County from the county coronavirus relief distribution fund may be expended only to cover costs of the City of Cleveland consistent with the requirements of section 5001 of the “Coronavirus Aid, relief, and Economic Security Act,” as described in 42 U.S.C. 601(d), and any applicable regulations. That the Clerk of Council shall certify a copy of this ordinance to the Cuyahoga County Auditor and the State of Ohio Director of Budget and Management.

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.

SKM:nl
6/3/2020
FOR: Mayor Jackson

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REPORT
after second Reading

By Mayor Jackson and Council Member Kelley
(by departmental request)

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READ FIRST, SECOND AND THIRD TIME

READ FIRST TIME

REPORTS

referred to

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on JUNE 3, 2020

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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