

Ordinance No. 978-2020 AS AMENDED

By Council Members Johnson and Kelley
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Capital Projects to enter into one or more license agreements with one or more vendors to design, install, operate, and maintain roof-mounted and ground-mounted photovoltaic panels, battery storage, and related equipment at select City facilities not powered by Cleveland Public Power, to be used as a City power source for that facility; and authorizing the Director of Finance to enter into contract with the vendor or vendors for the purchase of electricity generated at the facility locations, for a period not to exceed ~~twenty-five years~~ five years with two five-year options to renew, each exercisable by additional legislative authority.

WHEREAS, as part of the City of Cleveland’s commitment to climate action, the Cleveland Climate Action Plan and the Sustainable Cleveland Municipal Action Plan established a goal of reducing overall emissions in our region; and

WHEREAS, since nearly 50% of all regional emissions come from energy use, identifying opportunities and implementing solutions to support the transition to renewable and clean energy sources is critical; and

WHEREAS, solar photovoltaic technology converts sunlight directly into electricity; and

WHEREAS, the City desires to implement this technology at select City facilities not powered by Cleveland Public Power by authorizing one or more license agreements allowing for a vendor or vendors to design, install, operate, and maintain roof-mounted and ground-mounted photovoltaic panels, battery storage, and other related equipment at select City facilities, to be used by the City as a power source for that facility (the “Solar Project”); 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 notwithstanding and as an exception to Section 183.16 and any other provision of the Codified Ordinances of Cleveland, Ohio, 1976, the Office of Capital Projects is authorized to enter into one or more license agreements with one or more vendors, based on competitive proposals to implement the Solar Project, for a period not to exceed ~~twenty-five years~~ five years with two five-year options to renew, each exercisable by additional legislative authority. The selection of the vendors or

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vendors shall be made by the Board of Control on the nomination of the Director of Capital Projects and Chief of Sustainability. That the license agreement or agreements shall be prepared by the Director of Law, shall provide that the installation of any items for the Solar Project shall conform to the plans and specifications first approved by the appropriate City officials and that the vendor shall obtain all other required permits, including but not limited to building permits, before installing the structures on City property and shall contain such other terms and conditions to protect and benefit the public interest. However, after design of any items for the Solar Project and prior to their installation, the Director of Capital Projects or Finance, as appropriate, shall appear before the Utilities Committee to present the project. The license agreements entered into with the selected vendors shall include the provision that all materials purchased by the vendor must be in compliance with specifications included in the Inflation Reduction Act.

Section 2. That the license agreement or agreements shall reserve to the City reasonable right of entry to the locations, and shall require that the vendor remove the structures and restore the property to its original condition upon revocation or termination of the license agreement or agreements.

Section 3. That notwithstanding and as an exception to Chapter 181 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance is authorized to make one or more written contracts with one or more vendors who have entered into a license agreement authorized under this ordinance for the purchase of electricity generated at the Solar Project facility locations for a period not to exceed ~~twenty-five years~~ five years with two five-year options to renew, each exercisable by additional legislative authority. The compensation to be paid for the purchase of electricity shall be fixed by the Board of Control.

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Section 4. That the Directors of Capital Projects and Finance are authorized to enter into any agreement and to execute any documents necessary to implement the Solar Project.

Section 5. 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
12-9-2020
FOR: Director Spronz

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REPORT
after second Reading

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READ FIRST TIME on DECEMBER 9, 2020
and referred to DIRECTORS of Capital Projects, Finance, Law;
COMMITTEES on Municipal Services and Properties, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**MUNICIPAL SERVICES
AND PROPERTIES**

FILED WITH COMMITTEE

PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE

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