

# Ordinance No. 884-2019

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

## **AN EMERGENCY ORDINANCE**

Authorizing the Director of Public Utilities to enter into one or more agreements with the Doan Brook Watershed Partnership and the Northeast Ohio Regional Sewer District concerning the replacement of the trash rack on Doan Brook upstream off Martin Luther King, Jr. Drive and for the City's reimbursement for the cost of the improvement from NEORSRSD funds.

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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 any section of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Utilities is authorized to enter into and execute one or more agreements with the Doan Brook Watershed Partnership ("DBWP") and the Northeast Ohio Regional Sewer District ("NEORSRSD") to implement the replacement of the trash rack on Doan Brook upstream off Martin Luther King, Jr. Drive (the "Improvement"), including but not limited to, agreements defining responsibilities concerning design and construction of the Improvement and funding and reimbursement. The agreement shall provide that it is DBWP's responsibility to provide for the design and construction of the Improvement, and contain other provisions needed to implement the Improvement.

Section 2. 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 implement the Improvement.

Section 3. That the agreement or agreements will be prepared by the Director of Law.

Section 4 That the Director of Public Utilities is authorized to pay for the Improvement and accept reimbursement from the Northeast Ohio Regional Sewer District ("NEORSRSD") for the cost of the Improvement; 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 one or more grants from various public or private entities to make the

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Improvement; and that the funds are appropriated for the purposes described in this ordinance.

Section 6. That the Director of Public Utilities is authorized to enter into any agreements necessary to implement this ordinance.

Section 7. That the Director of Public Utilities is authorized to reimburse DBWP, or its contractor, to implement the Improvement, payable from Fund Nos. 54 SF 001, and/or 54 SF 400, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, from the fund or funds to which are credited the proceeds from any grant received for this purpose; and from any other funds approved by the Director of Finance. (RQS 2003, RL 2019-55)

Section 8. 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  
7-24-19

FOR: Director Davis

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REPORT  
after second Reading

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**READ FIRST TIME on JULY 24, 2019**  
and referred to DIRECTORS of Public Utilities, Finance, Law;  
COMMITTEES on Utilities, Finance

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

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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