

Ordinance No. 947-2026

By Council Member Santana and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 144A.01 to 144A.05, relating to Northeast Ohio Advanced Energy District Projects.

FOR PASSAGE

August 15, 2026

WHEREAS, as set forth in Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts ("ESIDs") upon a petition to a municipal corporation or township; and

WHEREAS, ESIDs are voluntary organizations of municipal corporations, townships, and property owners who undertake special energy improvement projects that benefit real property and finance those special energy improvement projects through voluntary special assessments; and

WHEREAS, the Northeast Ohio Advanced Energy District (the "District") was created under Revised Code Chapters 1702 and 1710 as an ESID and established under Resolution No. 1078-10, adopted September 20, 2010 (the "District Creation Resolution"); and

WHEREAS, under the District Creation Resolution, the City of Cleveland First Suburbs Development Council Advanced Energy Special Improvement District ("Advanced Energy District") Commercial-Industrial Program Project Plan, as supplemented and amended from time to time, including, without limitation, by supplemental plans (the "Plan"), sets forth the terms and conditions under which the City and the District will facilitate the financing of special energy improvement projects on real property located within the boundaries of the City and within the territory of the District; and

WHEREAS, by supplementing the Codified Ordinances of Cleveland, Ohio, 1976, to add a chapter covering Northeast Ohio Advances Energy District Projects, the City desires a more efficient process for eligible projects to join the District and take advantage of available financing; and

WHEREAS, this ordinance constitutes an emergency ordinance providing for the usual daily operation of a municipal department; now therefore,

Ordinance No. 947-2026

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 144A.01 to 144A.05 to read as follows:

CHAPTER 144A NORTHEAST OHIO ADVANCED ENERGY DISTRICT PROJECTS

Section 144A.01 Program Guidelines

The Director of Development (“Director”) may approve petitions (“Petitions”) submitted by the owners of real property within the City of Cleveland, Ohio (“City”) requesting that their property be added to the territory of the District and plans for public improvements and public services attached to those petitions with certain limitations described in this Chapter. The Department of Development staff shall coordinate the review and recommendation for each Petition submitted to the City. Upon submission of a Petition to the City, the Director, or his or her designee, shall distribute the Petition and any related materials to the Mayor, the City Council Member in whose Ward the subject property is located, the Department of Law, the Department of Finance, the Division of Assessments and Licenses, and any other appropriate departments. Each project shall be reviewed to ensure that it adheres to Chapter 1710 of the Revised Code, results in a reduction of energy usage or supports renewable energy usage, furthers the City’s sustainability goals, and results in positive economic benefits for the City. Staff from each of the above City offices may make comments and/or recommendations regarding the project. The Council Member in whose Ward the subject property is located may consent and provide the reason for such determination and communicate such determination to the Director. The Department of Development staff shall review all comments from the respective City offices and make a recommendation to the Director for a final determination.

Section 144A.02 Petitions to Join the Northeast Ohio Advanced Energy District

(a) The Director is authorized to receive and approve Petitions submitted by property owners requesting the addition of their property to the District for the purpose of approving special energy improvement projects that will benefit the property, and levying special assessments to finance the cost of those projects.

(b) With the approval of the Mayor and the Council Member in whose Ward the property is located, the Director may approve or disapprove Petitions and supplemental plans in his or her reasonable discretion, subject to the terms and conditions stated in this Chapter. Without limiting the generality of the foregoing, the Director shall not approve any Petitions or supplemental plans unless the information regarding the properties, special energy improvement projects, financial terms, and other facts and terms certified within the Petitions and supplemental plans conforms and complies in all material respects with the terms and conditions of the Plan and this Chapter.

(c) The Director’s approval or disapproval of any Petitions or supplemental plans shall constitute the legislative approval or disapproval of this Council for all purposes of Chapters 727 and 1710 of the Revised Code, and all legal consequences appertaining to a legislative authority’s legislative approval or disapproval of the

Ordinance No. 947-2026

Petitions and supplemental plans under Chapters 727 and 1720 of the Revised Code shall appertain to the Director's approval or disapproval of Petitions and supplemental plans for and on behalf of this Council.

Section 144A.03 Standing Assignment Agreement; Other Agreements

(a) The Mayor and/or the Director are authorized to sign and deliver the Standing Assignment Agreement, in substantially the form as is now in File No. **947-2026-A**.

(b) The Standing Assignment Agreement is approved, together with any changes or amendments that are not inconsistent with the Chapter, are not substantially adverse to the City, and are approved by the Mayor and/or the Director, all of which shall be conclusively evidenced by the signing of the Standing Assignment Agreement or amendments to the Standing Assignment Agreement.

(c) The Director is authorized to enter into other agreements that are not inconsistent with this Chapter including, without limitation, any and all future addenda to the Standing Assignment Agreement as contemplated in the Standing Assignment Agreement, all of which shall be conclusively evidenced by the signing of such agreements or any amendments or addenda to such agreements. The Director of Finance is authorized to execute and deliver, to the extent appropriate, fiscal officer certificates to any and all addenda to the Standing Assignment Agreement as contemplated in the Standing Assignment Agreement.

Section 144A.04 Cuyahoga County Fiscal Officer

Within the period required under Section 319.61 of the Revised Code following the Director's approval of a Petition and supplemental plan, the Commissioner of the Division of Assessments and Licenses, or his or her designee, shall file a copy of the Director's approval with the Cuyahoga County Fiscal Officer together with any other forms or certificates required by the Cuyahoga County Fiscal Officer as a notice of intention to proceed and notice of the levy of special assessments for purposes of Section 319.61 of the Revised Code.

Section 144A.05 Other Provisions

This Council may, at any time and from time to time, provide legislative approval under Chapters 727 and 1710 of the Revised Code for any Petitions and supplemental plans that have not been approved by the Director. This Council may, at any time and from time to time, by legislation, modify or repeal any or all of the authorizations provided in this Chapter, including the authority of the Director to approve Petitions and supplemental plans under this Chapter.

Section 2. 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.

MC:uo
8-19-2026
FOR: Director Bourdeau Small

By Council Members Santana and Griffin (by departmental request)

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READ FIRST TIME
as referred to

REPORTS

READ FIRST, SECOND AND THIRD TIME

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME on AUGUST 19, 2026

PRESIDENT

CITY CLERK

APPROVED

MAYOR