

Ordinance No. 404-2022

By Council Members Conwell and Griffin
(by departmental request)

FOR PASSAGE
April 25, 2022

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Health to enter into one or more agreements with the Ohio Environmental Protection Agency and other public or private entities to accept funding to conduct the Battery Powered Lawn and Garden Equipment Rebate Program; authorizing the Director to enter into various written standard purchase and requirement contracts needed to purchase gift cards; and to enter into other agreements or execute documents necessary to conduct the program.

WHEREAS, the Director of Public Health will receive Supplemental Environmental Project Funds from the Ohio Environmental Protection Agency (“Ohio EPA”) for the purpose of providing rebate gift cards for a Battery Powered Lawn and Garden Equipment Rebate Program (the “Program”); and

WHEREAS, the Department of Public Health, Division of Air Quality (“CDPH Air Quality”) may be eligible to receive additional funding through the Ohio EPA, or from other public or private entities as part of settlement agreements for their failure to comply with applicable environmental laws who may elect to fund a project such as the rebate program authorized in this ordinance in lieu of paying a portion of a penalty; and

WHEREAS, the Program will offer up two hundred (200) gift cards in the amount of \$100, plus processing fees and shipping, for a total Program amount of \$22,999, to participants who meet program eligibility, including but not limited to, residing in Cuyahoga County, registering with CDPH Air Quality, properly disposing of their old gasoline powered lawn mower and purchasing a new battery-powered electric lawn mower; and

WHEREAS, the balance of the funding needed for the purchase of the gift cards for the Program is approximately \$12,399, which will be paid from a City fund; and

WHEREAS, this Council determines that the portion paid by the City constitutes a public purpose for the reasons set forth in the File to this ordinance; 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 the Director Public Health is authorized to enter one or more agreements with the Ohio Environmental Protection Agency and other public or private entities to accept funding in the approximate amount of \$10,600 and such additional

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amounts that may become available to conduct the Program as described in **File No. 404-2022-A**.

Section 2. That the Director of Public Health is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of gift cards needed to conduct the Program, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. 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.

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the costs of the standard and requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQS 5007, RLA 2022-28)

Section 5. That the Director of Public Health is authorized to enter into any agreements or execute documents needed to conduct the Program.

Section 6. 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.

ST:nl
4-25-2022
FOR: Interim Director Kimball

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READ FIRST, SECOND AND THIRD TIME

	READ FIRST TIME	REPORTS
referred to		
	CITY CLERK	
	READ SECOND TIME	
	CITY CLERK	
	<u>READ THIRD TIME on APRIL 25, 2022</u>	
	PRESIDENT	
	CITY CLERK	
	APPROVED	

MAYOR