

Ordinance No. 18-2022 AS AMENDED

By Council Members Hairston and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Economic Development to apply for and accept Ohio Department of Development grants for environmental assessments, remediations, and demolitions under the State's Brownfield Remediation Program and Building Demolition and Site Revitalization Program; authorizing the Director of Economic Development to employ one or more consultants to implement the grant; authorizing the Directors of Economic Development and Building and Housing to enter into one or more contracts for the demolition of structures and site improvements; and authorizing the Commissioner of Purchases and Supplies to acquire various rights and interests in real property.

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 of Economic Development is authorized to apply for and accept grants in an amount up to \$10,000,000 each, from the State of Ohio Department of Development, or its successor or designee, for environmental assessments, remediations, and demolitions under the State's Brownfield Remediation Program and Building Demolition and Site Revitalization Program at various eligible properties in the City of Cleveland under the grant, as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below and in any subsequent grant amendments.

Section 2. That the Executive Summary for the grant, **File No. 18-2022-A**, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of up to twenty-five percent of project costs in excess of the County set-aside, payable from funds approved by the Director of Finance, is approved in all respects and shall not be materially changed without additional legislative authority.

Section 3. That the Director of Economic Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants 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

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to perform environmental assessments, environmental remediation oversight, or other professional services necessary to implement this ordinance.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Economic Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Economic Development for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.

Section 4. That in accordance with the provisions of the Charter and Codified Ordinances, the Director of Economic Development or Building and Housing, as appropriate, may enter into contracts for the environmental remediation, demolition of structures, including site improvements, and any other services necessary to implement the grant which are found to be eligible under this ordinance.

Section 5. That the Director of Economic Development or Building and Housing, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 6. 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 Economic Development or Building and Housing, as appropriate, may sign all documents that are necessary to make the public improvement, and may enter into one or more contracts with the contractors selected through that cooperative process.

Section 7. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and/or the Commissioner of Purchases and Supplies, as appropriate, is authorized to acquire, accept, and record for right-of-way purposes any real property and/or easement interests necessary to

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implement this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

Section 8. That the Director of Economic Development or Building and Housing, as appropriate, is authorized to execute, on behalf of the City, all documents necessary to acquire, accept, and record the property and easement interests and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easement interests.

Section 9. That the costs of the contract or contracts or other expenditures shall be charged against the proper appropriation accounts, including the fund or funds to which have been credited the proceeds of the grant accepted under this ordinance and the cash match or matches, and the Director of Finance shall certify the amounts necessary for the work to be performed under the contract or contracts.

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.

RB:nl
1-10-2022
FOR: Interim Directors Ebersole and Allen

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

In the title, line 5, and in Section 1, line 4, after "under the State's" insert "Brownfield Remediation Program and".

Date: _____ (Signed): _____
Richard Bertovich
Chief Assistant Director of Law

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READ FIRST TIME on JANUARY 10, 2022

REPORTS

and referred to DIRECTORS of Economic Development, Building and Housing, Finance, Law; COMMITTEES on Development Planning and Sustainability, Finance Equity Inclusion and Diversity

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

**PASSAGE RECOMMENDED BY
COMMITTEE ON
DEVELOPMENT, PLANNING AND
SUSTAINABILITY**

FILED WITH COMMITTEE

**PASSAGE RECOMMENDED BY
COMMITTEE ON
FINANCE, EQUITY, INCLUSION
and DIVERSITY**

FILED WITH COMMITTEE
