

Ordinance No. 487-2023 AS AMENDED

By Council Members Hairston and Griffin
(by departmental request)

AN EMERGENCY ORDINANCE

Authorizing the Director of Economic Development to enter into one or more contracts with the Cuyahoga County Land Reutilization Corporation aka the County Land Bank for professional services to implement and manage a Site Readiness for Good Jobs Project for future redevelopment and job attraction and retention; authorizing other agreements; establishing the Site Readiness and Neighborhood Investment Subfund; and authorizing the appropriate director to apply for and accept any gifts, grants or services from any public or private entity.

WHEREAS, the City desires to create a Site Readiness for Good Jobs Fund to be used to remediate, redevelop and acquire sites, including the remediation and redevelopment of City-owned sites, to attract new businesses or grow businesses with quality jobs in the City ("Project"), and to enter into contract with Cuyahoga County Land Reutilization Corporation aka the County Land Bank ("County Land Bank") to provide ~~professional~~ , or cause to provide, services to implement and manage the 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 the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Economic Development is authorized to enter into one or more contracts with the County Land Bank to implement and manage the Project. The compensation for such services shall be fixed by the Board of Control and shall not exceed two percent (2%) annually of the total amount certified to this ordinance. Any amount exceeding those percentages shall require additional legislative approval.

Section 2. That the contract or contracts with the County Land Bank shall include provisions for the following:

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~~_____ (1) _____ The creation of a board composed of representatives from the City and other entities investing funds into the Project to select remediation and site assembly projects along with other duties related to the Project. That the Mayor and the President of Cleveland City Council shall have an equal number of appointments to the board, which may include one or more joint appointments, to vote on behalf of and represent the City's interests in the Project and any such members who are City employees or officials shall serve as *ex officio* members of such board; and that the contract creating the board shall restrict the board to not more than nine members; and~~

_____ (1) _____ The creation of a board composed of representatives from the City and other entities investing funds into the Project to select remediation and site assembly projects along with other duties related to the Project. The board shall be comprised of three (3) appointments by the Mayor, three (3) appointments by the Council President, and three (3) appointments made by the Mayor and the Council President jointly to vote on behalf of and represent the City's interests in the Project and any such members who are City employees or officials shall serve as *ex officio* members of such board; and that the contract creating the board shall restrict the board to not more than nine (9) voting members; and the board shall also include three (3) non-voting members; and that the board's decisions regarding site assembly and remediation projects are conclusive and shall not be overruled by any other entity, as long as such decisions are consistent with the terms of this ordinance and the contract or contracts contemplated by this Section. If such decisions are determined by the Mayor or Council to be inconsistent with the terms of this ordinance or said contract or contracts, further legislative authorization will be necessary to resolve; and

(2) The County Land Bank shall remit to the City any revenues generated from the Project.

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 any other professional services necessary to implement the Project.

The selection of the consultants or firms of consultants 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 for the purpose of compiling a list. The compensation for services shall be fixed by the Board of Control. Except for any contract between the

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City and the County Land Bank, any contract entered into under this section over Fifty Thousand Dollars (\$50,000) shall require additional legislative authority.

Section 3a. That the member of Council in whose ward a site marketed for redevelopment is located shall be involved in the decision making process to determine disposition and end use of a site and have final approval over such decision.

Section 4. That under Section 108(b) of the Charter, the services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Economic Development may sign all documents that are necessary to obtain such services, and may enter into one or more contracts with the consultants selected through that cooperative process.

Section 5. That there is established the Site Readiness and Neighborhood Investment Subfund, Fund No. 10 SF 978 (the "Subfund"), subject to any approvals required by law. That amounts held in such fund shall be devoted to the following purposes: (1) the Project as described herein; (2) neighborhood public improvement projects; and (3) economic development projects. Funds generated from site development activities shall be returned either to the Subfund or to the Site Readiness for Good Jobs Fund at percentages to be fixed by the Site Fund Advisory Board on an annual basis; provided, however, that the percentage shall not exceed fifty percent (50%) of the returns into the Subfund for the first ten (10) years.

Section 6. That the Director of Economic Development is authorized to deposit into the Subfund any revenues received from the Project. The Director of Finance is authorized to certify additional funds on the contracts authorized by this ordinance for the Project to be paid from the Subfund and to transfer funds from the Subfund to Fund 10 SF 400 for the Project. No certification or transfer of funds over Fifty Thousand Dollars (\$50,000) is authorized without prior legislative approval.

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~~Section 7.~~ That the Director of Finance is authorized to employ by contract or contracts one or more private entities to establish, manage, and implement a fund to provide grants for neighborhood improvements and economic development projects. Any contracts to be certified from the Subfund established herein shall require prior legislative authorization.

~~— The selection of the private entity or entities for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified entities as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.~~

Section 7. That the Director of Finance is authorized to establish, manage, and implement a fund to provide grants for neighborhood improvements and economic development projects. Any contracts to be certified from the Subfund established herein shall require prior legislative authorization.

Section 8. That the Director of Economic Development and other appropriate City officials are authorized to enter into any agreements, ~~execute and execute~~ any other documents or certificates, and take any other action necessary to implement this ordinance. certificates necessary to implement the Project.

Section 9. That the Director of Economic Development, and any other appropriate director, are authorized to apply for and accept any gifts, grants, or services to implement this ordinance from any public or private entity; and that the appropriate director is authorized to file all papers and ~~executive~~ execute all documents necessary to receive any gift, grant funds, or services; and that the funds are appropriated for the purposes described in this ordinance.

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Section 10. That the contracts authorized by this ordinance shall be prepared by the Director of Law and contain such terms and conditions as the Director of Law determines necessary to protect and benefit the public interest, approved by the appropriate director, and certified by the Director of Finance. All contracts entered into pursuant to this ordinance shall contain 1) a non-compete clause restricting the ability, while employed by consultant or the City, and for twelve (12) months after such employment has terminated, to engage directly or indirectly with any of entity purchasing sites under this ordinance for employee's own benefit or employment with such entity; and 2) a clause limiting the financial interest that an employee of the City or consultant may have in contracts entered into pursuant to this ordinance. Both clauses shall be applicable to all employees and consultants of the contractors and the City.

Section 11. That it is found and determined that all formal actions of the Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and of any of its committees resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of Section 121.22 of the Revised Code.

Section 11a. That the Director of Economic Development shall report to Council on the first anniversary of the execution date of any contract authorized under Section 1, and every year thereafter, the progress and accomplishments made under any such agreement. If Council believes, after any such report, that the contract or contracts entered into pursuant to Section 1 are no longer an effective way to implement the Project, Council may repeal the authorization for said contracts and said contracts shall be terminated.

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Section 11b. That unless otherwise terminated pursuant to Section 11(a), the contract or contracts authorized under Section 1 shall terminate no later than five (5) years after the effective dates of said contracts unless additional legislative authorization to extend the contract or contracts is obtained from Council.

Section 12. That the costs of expenditures and agreements authorized in this ordinance, except for additional certifications and/or transfers and any agreements authorized by ~~Sections 6 and 7, respectively,~~ Section 6 of this ordinance, shall not exceed \$50,000,000.00, and shall ~~be paid from~~ shall be paid from Fund No. 10 SF 400, from the fund or funds to which are credited any gifts or grants accepted under this ordinance, ~~and from any other funds approved by the Director of Finance.~~ (RQS 9501, RL 2023-29) ~~That the costs of agreements authorized by Section 7 of this ordinance shall be paid from Fund No. 10 SF 978.~~

Section 13. 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.

SM:nl
4-17-23

FOR: Directors Jackson and Abonamah

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**REPORT
after second Reading**

By Council Members Hairston and Griffin (by departmental request)

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READ FIRST TIME _____ **REPORTS**
and referred to
by the council

CITY CLERK

READ SECOND TIME
by the council _____

CITY CLERK

READ THIRD TIME
by the council _____

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____
Published in the City Record _____