C OF C 125-174

Ordinance No. 551-2024

By Council Members Kazy and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing the Brookfield Avenue/West 130th Street, Dearborn Avenue, East 27th Street, East 48th Street, East 93rd Street, Parkridge Avenue/Brookside Drive, West 19th Street, West 63rd Street, and West 89th Street area sewer replacement or rehabilitation projects; authorizing the Director of Public Utilities to enter into one or more public improvement contracts; authorizing the Director to employ one or more professional consultants necessary to design the improvement; and authorizing the Director to apply for and accept any loans or grants from any public or private entity.

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, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Brookfield Avenue/West 130th Street, Dearborn Avenue, East 27th Street, East 48th Street, East 93rd Street, Parkridge Avenue/Brookside Drive, West 19th Street, West 63rd Street, and West 89th Street area sewer replacement or rehabilitation projects, which may include but not be limited to replacing the existing main sewer and installing a new storm relief sewer (the "Improvement"), for the Division of Water Pollution Control, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. 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 permit performance of the work authorized by this ordinance.

Section 4. That the Director of Public Utilities 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 for the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

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 Improvement; including but not limited to, the Northeast Ohio Regional Sewer District for Community Cost Share Program funding or other funding to implement the Improvement, that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the grants.

Section 6. That the Director of Public Utilities and/or the Director of Finance are authorized to apply for and accept one or more Water Pollution Control Loan Fund ("WPCLF") loans from the Ohio Environmental Protection Agency ("EPA") or Ohio Water Development Authority, or other agencies; that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

The Director of Public Utilities and/or the Director of Finance, as appropriate, are authorized to enter into one or more loan agreements with the Ohio EPA or Ohio Water Development Authority, or other appropriate agency, for one or more WPCLF loans, which loan agreement or agreements shall contain additional terms that are acceptable to the Director of Law to protect the public interest. Upon execution of the

WPCLF loan agreement or agreements, the Director of Public Utilities and/or the Director of Finance are authorized to repay the loan funds to the WPCLF in accordance with the terms and conditions of the WPCLF loan agreement or agreements, from the operating revenues of the Division of Water Pollution Control.

Section 7. That the Director of Public Utilities and/or the Director of Finance ~~is~~ authorized to apply for and accept grants as they become available and other funding from the United States of America and its federal agencies, the state of Ohio and its state agencies, and public agencies and/or pass-through entities approved by the governmental entity and that the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant or grants; and that the funds are appropriated for the purposes described in this ordinance.

Section 8. That the cost of the contracts and other expenditures authorized shall be paid from Fund No. 54 SF 001, from the fund or funds to which are credited the proceeds from funding received through the NEORSD Community Cost Share Program funds, from the fund or funds to which are credited the proceeds from any grant or loan received, from the fund or funds to which are credited the proceeds from the sale of bonds authorized by Ordinance No. 898-2023, passed September 18, 2023, if the City sells such bonds and are issued for this purpose, and from future bonds if issued for this purpose,. (RQS 2003, RLA 2024-44)

Section 9. 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.

MH:uo
5-13-2024
FOR: Director Keane

Ord. No. 551-2024

By Council Members Kazy and Griffin (by departmental request)

AN EMERGENCY ORDINANCE

Determining the method of making the public improvement of constructing the Brookfield Avenue/West 130th Street, Dearborn Avenue, East 27th Street, East 48th Street, East 93rd Street, Parkridge Avenue/Brookside Drive, West 19th Street, West 63rd Street, and West 89th Street area sewer replacement or rehabilitation projects; authorizing the Director of Public Utilities to enter into one or more public improvement contracts; authorizing the Director to employ one or more professional consultants necessary to design the improvement; and authorizing the Director to apply for and accept any loans or grants from any public or private entity.

READ FIRST TIME on MAY 13, 2024 **REPORTS**
and referred to DIRECTORS of Public Utilities,
City Planning Commission, Finance, Law;
COMMITTEES on Utilities, Finance Diversity Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

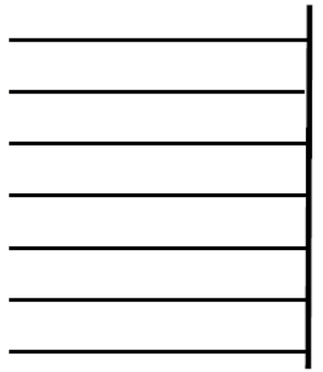
Recorded Vol. **111** Page_____

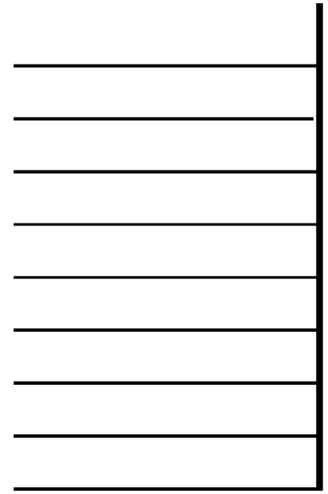
Published in the City Record _____

REPORT
after second Reading

PASSAGE RECOMMENDED BY COMMITTEE ON
UTILITIES

FILED WITH COMMITTEE



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

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