

ORDINANCE NO. 152-2024(MSES), *Second Reading (revised 9.3.24)*

By Mayor Seren

An Ordinance authorizing the Mayor to enter into an Energy Savings Performance Contract with Leopardo Energy and authorizing the financing of the energy conservation improvements under such guaranteed savings contract; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights desires to implement energy conservation measures pursuant to Section 717.02 of the Ohio Revised Code and after conducting interviews of the qualified respondents has selected Leopardo Energy as the vendor to prepare an energy conservation report in accordance with ORC Section 717.02(b); and

WHEREAS, Leopardo Energy will complete an Investment Grade Audit and Energy Conservation Report, in which the energy and operational conservation measures will be identified and presented to the project team of the City to determine the final project scope; and

WHEREAS, City Council believes it is in the best interest of the City of Cleveland Heights to enter into a contract with Leopardo Energy to implement those energy conservation measures that are most likely to result in the greatest energy savings considering the costs of the project and the City's ability to pay for the improvements with current revenues or by financing (Energy Conservation Measures).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

SECTION 1. Council hereby finds that the amount of money that would be spent on the Energy Conservation Measures is not likely to exceed the amount of money the City would save in energy, operating, maintenance, and avoided capital costs over the average system life of the Energy Conservation Measures, based upon data provided by Leopardo Energy. Council hereby authorizes the Mayor to enter into a contract with Leopardo Energy, in an amount not to exceed eighteen-million dollars (\$18,000,000.00), to (1) prepare an Energy Conservation Report as described in Ohio Revised Code Section 717.02(B) and (2) if the Energy Conservation Report supports the above-referenced finding regarding costs and savings, implement the Energy Conservation Measures in accordance with Ohio Revised Code Section 717.02 (C)(2)(b) and pursuant to terms and conditions approved by the Director of Law and substantially in the form on file in the office of the Director of Law and the Clerk of Council, with such changes as shall not be materially adverse to the City and as approved by the Director of Law, all of which shall be conclusively evidenced by the execution thereof.

SECTION 2. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

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SECTION 3. It is necessary that this Ordinance become immediately effective as an emergency measure, necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to realize advantageous financing and construction costs for planned energy conservation measures. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



TONY CUDA
President of Council



ADDIE BALESTER
Clerk of Council

PASSED: September 3, 2024

Presented to Mayor: 09/05/2024 Approved: 09/13/2024



KAHLIL SEREN
Mayor