

ORDINANCE NO. 33-2020 (PD), *Second Reading*

By Council Member Ungar

An Ordinance authorizing the City Manager to take all actions necessary for participation in the services offered through the Cuyahoga County Aggregated Solar Project and administered pursuant to the Cuyahoga County Cooperative Purchasing Program; and declaring an emergency.

WHEREAS, Section 171.13 of the Cleveland Heights Codified Ordinances authorizes the purchase of equipment, materials, supplies, and services through the Cuyahoga County Cooperative Purchasing Program without obtaining competitive bids; and

WHEREAS, Cuyahoga County created an Aggregated Solar Project, administered through the Cuyahoga County Cooperative Purchasing Program; and

WHEREAS, in 2018, Cuyahoga County issued Request for Proposals (“RFP”) for implementation of an Aggregated Solar Project; and

WHEREAS, through its RFP process, Cuyahoga County selected Enerlogics Solar LLC; and

WHEREAS, Enerlogics Solar LLC in conjunction with Cuyahoga County proposes installing onsite solar systems upon certain real property owned by various political subdivision within Cuyahoga County, including the City of Cleveland Heights; and

WHEREAS, onsite solar systems upon City-owned properties and the granting of any associated licenses will not interfere with the use of the properties for municipal purposes and will alleviate a significant financial burden to the City in the form of offsetting a substantial portion of electricity consumed from the grid; and

WHEREAS, the City is not required to expend any funds for the proposed onsite solar systems; and

WHEREAS, as part of participating in the Cuyahoga County Aggregated Solar Project and permitting an onsite solar system, the City would enter into a multi-year solar power purchase agreement that provides a set cost for the energy produced from the solar system and provides a set annual price escalation of one and three-quarters of a percent (1.75%), thereby increasing the City’s use of “Green Energy” and reducing the City’s reliance on carbon-based energy; and

WHEREAS, the services offered through the Cuyahoga County Aggregated Solar Project, administered pursuant to the Cuyahoga County Cooperative Purchasing Program, would be in the best interest of the City and its residents.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

ORDINANCE NO. 33-2020 (PD), *Second Reading*

SECTION 1. The City Manager be, and she is hereby, authorized to take all actions and execute all documents necessary for participation in the services provided through the Cuyahoga County Aggregated Solar Project and administered pursuant to the Cuyahoga County Cooperative Purchasing Program, in accordance with the requirements of Section 171.13 of the Cleveland Heights Codified Ordinances. Such actions include, but are not limited to, execution of a Solar Purchase Agreement and License with Enerlogics Solar LLC, the terms of which may include any necessary licenses or easements upon City-owned properties and may contain such other terms as recommended by the City Manager and Director of Law. The agreement and any related documents shall be approved as to form by and subject to the final approval of the Director of Law.

SECTION 2. This Council hereby determines that any licenses or easements authorized herein shall not interfere with the use of City-owned properties for public purposes.

SECTION 3. 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.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the timely need to enter into the agreement at the earliest time possible to realize cost savings as described along with resulting ancillary environmental benefits associated with project. Wherefore, provided it receives the affirmative vote of five 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 and after the earliest time allowed by law.

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JASON S. STEIN, Mayor  
President of the Council

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SUSANNA NIERMANN O'NEIL  
Acting Clerk of Council

PASSED: April 20, 2020