

County Council of Cuyahoga County, Ohio

Resolution No. R2017-0095

<p>Sponsored by: County Executive Budish/Department of Sustainability</p> <p>Co-sponsored by: Councilmembers Simon, Brady, Miller, Tuma and Jones</p>	<p>A Resolution amending Resolution No. R2016-0137 dated 11/15/2016, which authorized an Electric Service Agreement with City of Cleveland/Department of Public Utilities/Division of Cleveland Public Power in the amount not-to-exceed \$68,000,000.00 for electric power services for various County-owned buildings for the period 9/1/2016 - 5/1/2028, by authorizing the County Executive to enter into agreements related to a Solar Project on or about 9400 Memphis Avenue in the City of Brooklyn with no change to said amount not-to-exceed; authorizing the County Executive to execute the agreements and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County desires to help finance a Solar Project on or about 9400 Memphis Avenue, Brooklyn, Ohio (the "Solar Project"); and

WHEREAS, Fred.Olsen Renewables USA, LLC ("FORUSA") is developing an electrical generation project comprising of offshore wind-powered turbine-generators with an aggregate nominal generating capability of about twenty-one megawatts and related onshore electrical equipment (the "Project Icebreaker"); and

WHEREAS, Cleveland Public Power ("CPP") and FORUSA entered into a Power Purchase and Sale Agreement ("PPSA") pursuant to which CPP will purchase a portion of the electrical output of the Project Icebreaker; and

WHEREAS, the County desires to support the Project Icebreaker by purchasing from CPP about 8.7% of the energy generated by such project; and

WHEREAS, on November 15, 2016, the County Council adopted Resolution No. R2016-0137 authorizing an Electric Service Agreement with City of Cleveland/ Department of Public Utilities/Division of Cleveland Public Power for electric power services for various County-owned and leased buildings for the period 9/1/2016 - 5/1/2028; and

WHEREAS, CPP desires to support the County's participation in the Solar Project and Project Icebreaker by purchasing energy from both projects and including the County's solar energy and wind energy allocation in the energy supplied by CPP to serve the County's electricity accounts; and

WHEREAS, everything contemplated by this Resolution is funded by the General Fund; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The Cuyahoga County Council hereby amends Resolution No. R2016-0137 dated 11/15/2016 by authorizing the County Executive to enter into various agreements, loans, power purchase agreements, purchase agreements, ownership agreements, assignment agreements, sale agreements, and other documents with Cuyahoga Urban Renewable Power I, LLC and others related to a Solar Project on or about 9400 Memphis Avenue in the City of Brooklyn. The County Council hereby authorizes the County Executive to pay for any and all costs and fees associated with obtaining such documents and the actions described herein.

SECTION 2. The total amount for anything contemplated herein shall not exceed the \$68,000,000.00 previously authorized by Resolution No. R2016-0137, including anything contemplated in Section 1 of this Resolution.

SECTION 3. To the extent practicable, the County shall procure the solar panels and other equipment to be installed as part of the Solar Project from manufacturers whose principal place of business are located within the United States of America.

SECTION ~~3~~4. That all other provisions of Resolution No. R2016-0137 shall remain unchanged and in effect.

SECTION ~~4~~5. The County Executive, the Fiscal Officer, the Director of Law and the Clerk of Council are each hereby authorized and directed to take any and all other actions and to execute any and all other instruments, certificates and documents as may in their judgment be necessary, desirable, advisable or appropriate in connection with anything contemplated herein. To the extent an exemption is needed for anything contemplated herein, it is hereby authorized.

SECTION ~~5~~6. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health,

or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 67. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Simon, seconded by Mr. Hairston, the foregoing Resolution was duly adopted.

Yeas: Schron, Conwell, Jones, Brown, Hairston, Simon, Baker, Miller, Tuma, Gallagher and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

In accordance with Rule 6B of the Rules of Council, legislation was added to the agenda by parliamentary motion: May 9, 2017

First Reading/Referred to Committee: May 9, 2017

Committee(s) Assigned: Education, Environment & Sustainability

Additional Sponsorship Requested: May 17, 2017

Legislation Amended on the Floor: May 23, 2017

Additional Sponsorship Requested on the Floor: May 23, 2017

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