ORDINANCE NO._____-24

AN ORDINANCE TO EXTEND THE MORATORIUM ON NEW ESTABLISHMENTS THAT SELL OR DISTRIBUTE ELECTRONIC SMOKING DEVICES AND/OR VAPOR PRODUCTS IN THE CITY OF PAINESVILLE, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, in accordance with the Constitution of the State of Ohio and the pertinent provisions of the Ohio Revised Code, the City of Painesville has the power to enact planning and zoning laws that are intended to protect the health, welfare and safety of the citizens of the City; and

WHEREAS, other Cities in Ohio have regulated the location and number of retail locations for the sale of flavored tobacco products, including vapor products, and have enacted prohibitions on the sale or distribution of certain tobacco products, specifically electronic smoking devices and vapor products as defined in section 2927.02 of the Ohio Revised Code; and

WHEREAS, there has been an increase in new establishments that sell electronic smoking devices and vapor products as defined in section 2927.02 of the Ohio Revised Code; and

WHEREAS, this Council desires to review the impact that flavored tobacco products, including electronic smoking devices and vapor products in order to better understand the impact on tobacco businesses operating in the City and to further enact reasonable regulations as to the size, number and location of tobacco businesses in the City; and

WHEREAS, this Council will be able to enact reasonable regulations to protect the health, safety, welfare, peace and comfort for the citizens of the City of Painesville more effectively if a moratorium is in place;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, COUNTY OF LAKE, STATE OF OHIO:

SECTION I. Council previously approved Ordinance No. 26-23 that established a moratorium on the sale and distribution of electronic smoking devices and/or vapor products as defined in section 2927.02 of the Ohio Revised Code and Council hereby approves an extension of this Moratorium.

SECTION II. The moratorium on new establishments proposing to sell or otherwise distribute electronic smoking devices and/or vapor products is scheduled to expire on June 4, 2024 and City Council authorizes extending the existing moratorium another six (6) months from the expiration of Ordinance No. 26-23.

SECTION III. That all formal actions of this Council concerning the passage of this Resolution were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which 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.

SECTION IV. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Painesville for the reason that it is necessary to impose this moratorium immediately to facilitate a study of current planning, zoning and business ordinances in order to determine appropriate rules and regulations for these types of businesses, namely vaping and electronic smoking devices. Said Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Painesville, Ohio.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

ORDINANCE NO. ____-24

ORDINANCE EXTENDING A 6 MONTH MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ZONING AND/OR OCCUPANCY PERMIT APPROVALS FOR CANNABIS OPERATIONS, INCLUDING MEDICAL MARIJUANA OPERATIONS WITHIN THE CITY AND THE ISSUANCE OF SUCH APPROVALS IN THE CITY OF PAINESVILLE, AND DECLARING AN EMERGENCY.

WHEREAS, on November 7, 2023, Ohio voters approved State Issue 1 legalizing recreational marijuana in Ohio; and

WHEREAS, Chapter 3780 - Adult Use Cannabis Control will become effective on December 7, 2023; and

WHEREAS, R.C. section 3780.25 authorizes the legislative body of a municipal corporation to prohibit or limit the number of cannabis operations within its jurisdiction and R.C. Section 3796.29 authorizes the legislative body of a municipal corporation to prohibit or limit the number of medical marijuana cultivators, processors, or retail dispensaries licensed within its jurisdiction that are licensed under Chapter 3796 ("the marijuana uses authorized under Chapters 3780 and 3796 of the Revised Code are collectively referred to in this Ordinance as "Marijuana Operations"; and

WHEREAS, the City does not currently have a zoning classification that allows a cannabis operation or medical marijuana cultivators, processors, or retail dispensaries within the City; and

WHEREAS, there are concerns about safety and security surrounding Marijuana Operations because of the risk of crime and other concerns with these types of businesses; and

WHEREAS, in accordance with the Constitution of the State of Ohio and the pertinent provisions of the Ohio Revised Code, the City of Painesville has the power to enact planning and zoning laws and business license laws that are intended to protect the health, welfare and safety of the citizens of the City; and

WHEREAS, that City Council wishes to study the current planning and zoning ordinances and also the business regulations of the City in order to determine the appropriate location, if any, and regulation of Marijuana Operations if they are to be allowed in the City; and

WHEREAS, that City Council wishes to also study the impact of these types of Marijuana Operations relative to an increase in traffic, change in traffic patterns, the need for an extra turning lane traffic, safety issues, any increases in noise and litter, hours of operation, security requirements and also whether other regulations need to be adopted that regulate these Marijuana Operations; and

WHEREAS, until such regulations are reviewed, Council desires to extend the moratorium on the acceptance and processing of applications for zoning and occupancy approvals and business license approvals for Marijuana Operations and the issuance of such approvals; and

WHEREAS, this Council believes that an extension to the temporary moratorium on the acceptance and processing of applications for zoning and occupancy and business license permit proposals for Marijuana Operations will not deny property owners economically stable use of their property and will afford City Officials and this Council the time necessary to put in place reasonable zoning and business regulations to preserve the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, COUNTY OF LAKE, STATE OF OHIO:

SECTION I. Council hereby extends the moratorium for a 6-month period on the acceptance and processing of applications for zoning, occupancy and/or building permit approvals for Marijuana Operations and the issuance of such approvals. This Moratorium applies to all types of uses and businesses that are regulated and/or described in Ohio Revised Code Chapters 3780 and 3796.

SECTION II. That all formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and all deliberations of this Council, or any of its Committees, which 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

SECTION III. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Painesville for the reason that it is necessary to impose this moratorium immediately to facilitate a study of current planning, zoning and business ordinances in order to determine appropriate rules and regulations for these types of businesses, namely Marijuana Operations. Said Ordinance is necessary for the immediate preservation of the public health, safety and welfare of the inhabitants of the City of Painesville, Ohio

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

ORDINANCE NO. _____-24

AN ORDINANCE AMENDING SECTION 167.071 (D), OF THE PAINESVILLE CODE OF 1998 RELATING TO THE CLASSIFICATION AND COMPENSATION PLAN, AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That Section 167.071 (D), is hereby amended to read as follows:

SECTION 167.071 COLLECTIVE BARGAINING AGREEMENTS

(D) THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE FRATERNAL ORDER OF POLICE, OHIO LABOR COUNCIL, AND LODGE NO. 90 COMMUNITY SERVICE OFFICERS AND SCHOOL RESOURCE OFFICERS, AND THE CITY OF PAINESVILLE, EFFECTIVE APRIL 1, ~~2021~~ **2024** THROUGH MARCH 31, ~~2024~~ **2027**, IS HEREBY ADOPTED AND INCORPORATED INTO CHAPTER 167 OF THE CODIFIED ORDINANCES OF THE CITY OF PAINESVILLE, AS SETTING FORTH THE APPLICABLE RATES OF COMPENSATION, BENEFIT PROVISIONS, AND WORKING CONDITIONS FOR THE MEMBERS OF THAT UNION.

(H) THE CITY MANAGER IS AUTHORIZED AND DIRECTED TO EXECUTE THE ABOVE COLLECTIVE BARGAINING AGREEMENTS.

SECTION II. That this Ordinance is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to amend the Classification and Compensation Plan for the affected employees, and; therefore, this Ordinance shall be effective immediately.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

RESOLUTION NO. _____-24

A RESOLUTION ADOPTING THE 2025 TAX BUDGET FOR THE CITY OF PAINESVILLE, OHIO, AND DECLARING AN EMERGENCY

WHEREAS, a Tax Budget for the City of Painesville, Ohio for the year 2025 has been presented to Council at the hearing held thereon, as required by law.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO:

SECTION I. That the Tax Budget of the City of Painesville, Ohio for the year 2025 therefore be filed and same is adopted and the Clerk is hereby instructed to forward two copies thereof to the Auditor of Lake County, Ohio.

SECTION II. That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to adopt the 2025 Tax Budget in accordance with applicable provisions of the Ohio Revised Code; and, therefore, this Resolution shall become effective immediately upon its passage.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

TAX BUDGET FOR

FOR THE FISCAL YEAR

01/01/25 - 12/31/25

LAKE COUNTY,

OHIO

Instructions and Tax Budget Form

INSTRUCTIONS FOR COMPLETING THE TAX BUDGET

SCHEDULE A

List only those individual funds which are requesting general property tax revenue. Please complete Column 1 by identifying the amount of general property tax you wish to request for the fiscal year. Columns 2 and 3 are to be completed by the Budget Commission and Columns 4 and 5 are to be completed by the County Auditor.

SCHEDULE B

This schedule will be completed by the County Auditor.

EXHIBIT I - STATEMENT OF FUND ACTIVITY

Complete this exhibit only for the General Fund, the Bond Retirement Fund (if it is, or has been, receiving property tax revenue) and any other funds for which you are requesting general property tax revenue. (Reproduce page 4 if necessary)

This exhibit should be completed using the CASH BASIS of accounting. For all funds, please segregate amounts received for homestead and rollbacks from property taxes. The line item "Revenues Over / Under Expenditures" is the difference between "Total Revenues" less "Total Expenditures". The line item "Ending Cash Balance" is the total of "Revenues Over / Under Expenditures" and the "Beginning Cash Balance".

Columns 1 and 2 - Complete these columns using data from the last two COMPLETED fiscal years.

Column 3 - Complete this column using current year data. A portion of the amount shown should be actual data and the remainder will represent estimates for the balance of the year.

One method of determining the amounts within this column is to review the last amended certificate of estimated resources and the appropriation ordinance. If the amounts are in line with your current estimates, these amounts may be used.

Column 4 - Complete this column for the next fiscal year (budget year).

EXHIBIT II - SCHEDULE OF INDEBTEDNESS

This exhibit is to provide all necessary detail of all debt issues of the entity. Each bond or note issue should be listed individually.

NOTE: The Budget Commission reserves the right to request additional financial information, if necessary, for the funds disclosed in this tax budget.

CITY OF PAINESVILLE

LAKE COUNTY, OHIO

01/01/25 - 12/31/25

For all subdivisions excluding school districts, this Budget must be adopted by the legislative body (City/Village Council, Township Trustees, or other Board) on or before July 15th and two copies must be submitted to the County Auditor on or before July 20th. FAILURE TO COMPLY WITH §5705.28, O.R.C. SHALL RESULT IN LOSS OF LOCAL GOVERNMENT FUND ALLOCATION.

TO THE LAKE COUNTY AUDITOR:
The following Budget for the fiscal year beginning January 1, 2023, has been adopted by the City of Painesville and is herewith submitted for consideration of the Lake County Budget Commission.

Signed _____

Title _____

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY COMMISSION, AND COUNTY AUDITOR'S ESTIMATED RATES

FOR SUB-DIVISION USE		*FOR BUDGET COMMISSION USE*		*FOR COUNTY AUDITOR USE*	
FUND (Include only those funds which are requesting general property tax revenue)	BUDGET YEAR AMOUNT REQUESTED OF BUDGET COMMISSION INSIDE / OUTSIDE	BUDGET YEAR AMOUNT APPROVED BY BUDGET COMMISSION INSIDE 10 MILL LIMITATION	BUDGET YEAR AMOUNT TO BE DERIVED FROM LEVIES OUTSIDE 10 MILL LIMITATION	COUNTY AUDITOR'S ESTIMATE OF TAX RATE TO BE LEVIED	
				INSIDE 10 MILL LIMIT BUDGET YEAR	OUTSIDE 10 MILL LIMIT BUDGET YEAR
	COLUMN 1	**COLUMN 2**	**COLUMN 3**	**COLUMN 4**	**COLUMN 5**
101 - GENERAL FUND	$ 586,205	$ 586,205	$ -	2.16	0.00
301 - BOND RETIREMENT FUND	65,134	65,134	0	0.24	0.00
208 - POLICE PENSION FUND	81,418	81,418	0	0.30	0.00
209 - FIRE PENSION FUND	81,418	81,418	0	0.30	0.00
220 - FIRE PROTECTION LEVY (1990)	101,892	0	101,892	0.00	0.70
236 - FIRE IMPROVEMENT LEVY (2013)	326,066	0	326,066	0.00	1.47
237 - ROAD IMPROVEMENT LEVY	665,442	0	665,442	0.00	3.00
238 - POLICE PROTECTION LEVY	594,567	0	594,567	0.00	2.50
TOTALS: ALL FUNDS	$ 2,502,142	$ 814,175	$ 1,687,967	3.00	7.67

INSTRUCTIONS: List only those funds which are requesting general property tax revenue. Complete column 1 with the amount that you are requesting for general property taxes. DO NOT COMPLETE COLUMNS 2 THROUGH 5.

Signed: BUDGET COMMISSION _____

_____

_____

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

FUND	MAXIMUM RATE AUTHORIZED TO BE LEVIED	TAX YEAR COUNTY AUDITOR'S ESTIMATE OF YIELD OF LEVY (Carry to Schedule A, Column3)
GENERAL FUND:		
Current Expense Levy authorized by voters c , not to exceed years. Authorized under Section _____ , O.R.C.		
Current Expense Levy authorized _____ , not to exceed years. Authorized under Section _____ , O.R.C.		
Current Expense Levy authorized _____ , not to exceed years. Authorized under Section _____ , O.R.C.		
Current Expense Levy authorized _____ , not to exceed years. Authorized under Section _____ , O.R.C.		
Current Expense Levy authorized _____ , not to exceed years. Authorized under Section _____ , O.R.C.		
Current Expense Levy authorized _____ , not to exceed years. Authorized under Section _____ , O.R.C.		
TOTAL GENERAL FUND OUTSIDE 10 MILL LIMITATION	0	0
OTHER FUNDS:		
220 - FIRE PROTECTION Fund, Levy authorized by voters o 05/08/90 O.R.C. not tc Cont. years. Authorized under Section	0.70	101,892
236 - FIRE IMPROVEMEI Fund, Levy authorized by voters o 11/07/17 O.R.C. not tc 5 years. Authorized under Section	1.47	326,066
237 - ROAD IMPROVEMI Fund, Levy authorized by voters o 11/07/17 O.R.C. not tc 5 years. Authorized under Section	3.00	665,442
238 - POLICE PROTECTIC Fund, Levy authorized by voters o 11/05/19 O.R.C. not tc 5 years. Authorized under Section	2.50	594,567
_____ Fund, Levy authorized by voters o _____ , not tc ____ years. Authorized under Section _____ , O.R.C.		
_____ Fund, Levy authorized by voters o _____ , not tc ____ years. Authorized under Section _____ , O.R.C.		
_____ Fund, Levy authorized by voters o _____ , not tc ____ years. Authorized under Section _____ , O.R.C.		

STATEMENT OF FUND ACTIVITY

Complete only for General Fund, Bond Retirement Fund, and any other funds requesting general property tax revenue.

EXHIBIT I

FUND: 101 - GENERAL FUND

DESCRIPTION	FOR 2022 ACTUAL	FOR 2023 ACTUAL	2024 CURRENT YEAR ESTIMATE	2025 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	$539,995	$513,023	$513,030	$513,030
Homestead & Rollback	80,435	80,361	80,360	80,360
Local Government	1,028,347	1,055,977	1,037,000	1,037,000
Other Revenue	15,069,521	16,356,218	14,093,150	14,093,000
TOTAL REVENUES	16,718,298	18,005,579	15,723,540	15,723,390
TOTAL EXPENDITURES	16,357,767	14,373,478	16,561,794	16,562,000
REVENUES OVER (UNDER) EXPENDITURES	360,531	3,632,101	(838,254)	(838,610)
BEGINNING CASH BALANCE	4,329,034	4,689,565	8,321,666	7,483,412
ENDING CASH BALANCE	$4,689,565	$8,321,666	$7,483,412	$6,644,802
ENCUMBRANCES AT YEAR END	$1,000,000	$558,570	$550,000	$550,000

STATEMENT OF FUND ACTIVITY

Complete only for General Fund, Bond Retirement Fund, and any other funds requesting general property tax revenue.

EXHIBIT I

FUND: 301 - BOND RETIREMENT FUND

DESCRIPTION	FOR 2022 ACTUAL	FOR 2023 ACTUAL	2024 CURRENT YEAR ESTIMATE	2025 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	$59,999	$57,003	$57,000	$57,000
Homestead & Rollback	8,937	8,929	8,930	8,930
Other Revenue	1	0	0	0
TOTAL REVENUES	68,937	65,932	65,930	65,930
TOTAL EXPENDITURES	732	496	800	1,000
REVENUES OVER (UNDER) EXPENDITURES	68,205	65,436	65,130	64,930
BEGINNING CASH BALANCE	273,758	341,963	407,399	472,529
ENDING CASH BALANCE	$341,963	$407,399	$472,529	$537,459
ENCUMBRANCES AT YEAR END	$0	$0	$0	$0

STATEMENT OF FUND ACTIVITY

Complete only for General Fund, Bond Retirement Fund, and any other funds requesting general property tax revenue.

EXHIBIT I

FUND: 208 - POLICE PENSION FUND

DESCRIPTION	FOR 2022 ACTUAL	FOR 2023 ACTUAL	2024 CURRENT YEAR ESTIMATE	2025 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	$74,999	$71,253	$71,280	$71,280
Homestead & Rollback	11,172	11,161	11,170	11,170
Other Revenue	0	1	0	0
TOTAL REVENUES	86,171	82,415	82,450	82,450
TOTAL EXPENDITURES	100,915	100,621	101,000	101,000
REVENUES OVER (UNDER) EXPENDITURES	(14,744)	(18,206)	(18,550)	(18,550)
BEGINNING CASH BALANCE	163,855	149,111	130,905	112,355
ENDING CASH BALANCE	$149,111	$130,905	$112,355	$93,805
ENCUMBRANCES AT YEAR END	$0	$0	$0	$0

STATEMENT OF FUND ACTIVITY

Complete only for General Fund, Bond Retirement Fund, and any other funds requesting general property tax revenue.

EXHIBIT I

FUND: 209 - FIRE PENSION FUND

DESCRIPTION	FOR 2022 ACTUAL	FOR 2023 ACTUAL	2024 CURRENT YEAR ESTIMATE	2025 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	$74,999	$71,253	$71,280	$71,280
Homestead & Rollback	11,172	11,161	11,170	11,170
Other Revenue	0	1	0	0
TOTAL REVENUES	86,171	82,415	82,450	82,450
TOTAL EXPENDITURES	100,915	100,621	101,000	101,000
REVENUES OVER (UNDER) EXPENDITURES	(14,744)	(18,206)	(18,550)	(18,550)
BEGINNING CASH BALANCE	163,899	149,155	130,949	112,399
ENDING CASH BALANCE	$149,155	$130,949	$112,399	$93,849
ENCUMBRANCES AT YEAR END	$0	$0	$0	$0

STATEMENT OF FUND ACTIVITY

Complete only for General Fund, Bond Retirement Fund, and any other funds requesting general property tax revenue.

EXHIBIT I

FUND: 220 - FIRE PROTECTION LEVY (1990)

DESCRIPTION	FOR 2022 ACTUAL	FOR 2023 ACTUAL	2024 CURRENT YEAR ESTIMATE	2025 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	$94,887	$89,053	$89,060	$89,060
Homestead & Rollback	8,166	8,041	8,050	8,050
Other Revenue	88,188	180	0	0
TOTAL REVENUES	191,241	97,274	97,110	97,110
TOTAL EXPENDITURES	418,657	5,640	85,065	85,000
REVENUES OVER (UNDER) EXPENDITURES	(227,416)	91,634	12,045	12,110
BEGINNING CASH BALANCE	404,935	177,519	269,153	281,198
ENDING CASH BALANCE	$177,519	$269,153	$281,198	$293,308
ENCUMBRANCES AT YEAR END	$10,000	$10,065	$10,000	$10,000

STATEMENT OF FUND ACTIVITY

Complete only for General Fund, Bond Retirement Fund, and any other funds requesting general property tax revenue.

EXHIBIT I

FUND: 236 - FIRE IMPROVEMENT LEVY (2013)

DESCRIPTION	FOR 2022 ACTUAL	FOR 2023 ACTUAL	2024 CURRENT YEAR ESTIMATE	2025 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	$323,892	$307,608	$307,610	$307,610
Homestead & Rollback	15,975	18,026	18,030	18,030
Other Revenue	0	700	0	0
TOTAL REVENUES	339,867	326,334	325,640	325,640
TOTAL EXPENDITURES	675,354	245,925	308,738	309,000
REVENUES OVER (UNDER) EXPENDITURES	(335,487)	80,409	16,902	16,640
BEGINNING CASH BALANCE	434,687	99,200	179,609	196,511
ENDING CASH BALANCE	$99,200	$179,609	$196,511	$213,151
ENCUMBRANCES AT YEAR END	$50,000	$53,478	$50,000	$50,000

STATEMENT OF FUND ACTIVITY

Complete only for General Fund, Bond Retirement Fund, and any other funds requesting general property tax revenue.

EXHIBIT I

FUND: 237 - ROAD IMPROVEMENT LEVY

DESCRIPTION	FOR 2022 ACTUAL	FOR 2023 ACTUAL	2024 CURRENT YEAR ESTIMATE	2025 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	$660,846	$627,771	$627,780	$627,780
Homestead & Rollback	26,415	22,408	22,410	22,410
Other Revenue	0	22,804	0	0
TOTAL REVENUES	687,261	672,983	650,190	650,190
TOTAL EXPENDITURES	626,556	792,026	624,855	625,000
REVENUES OVER (UNDER) EXPENDITURES	60,705	(119,043)	25,335	25,190
BEGINNING CASH BALANCE	1,015,422	1,076,127	957,084	982,419
ENDING CASH BALANCE	$1,076,127	$957,084	$982,419	$1,007,609
ENCUMBRANCES AT YEAR END	$270,000	$269,295	$260,000	$260,000

STATEMENT OF FUND ACTIVITY

Complete only for General Fund, Bond Retirement Fund, and any other funds requesting general property tax revenue.

EXHIBIT I

FUND: 238 - POLICE PROTECTION LEVY

DESCRIPTION	FOR 2022 ACTUAL	FOR 2023 ACTUAL	2024 CURRENT YEAR ESTIMATE	2025 BUDGET YEAR ESTIMATE
REVENUES:				
Property Taxes (Real & Personal)	$590,500	$560,959	$560,960	$560,960
Homestead & Rollback	23,668	24,659	24,660	24,660
Other Revenue	0	0	0	0
TOTAL REVENUES	614,168	585,618	585,620	585,620
TOTAL EXPENDITURES	599,897	766,483	596,486	596,000
REVENUES OVER (UNDER) EXPENDITURES	14,271	(180,865)	(10,866)	(10,380)
BEGINNING CASH BALANCE	378,527	392,798	211,933	201,067
ENDING CASH BALANCE	$392,798	$211,933	$201,067	$190,687
ENCUMBRANCES AT YEAR END	$20,000	$20,116	$20,000	$20,000

SCHEDULE OF INDEBTEDNESS

EXHIBIT II

PURPOSE OF BONDS AND NOTES	AUTHORITY FOR LEVY OUTSIDE 10 MILL LIMIT *	DATE OF ISSUE	DATE DUE	ORDINANCE OR RESOLUTION	SERIAL OR TERM	RATE OF INTEREST	AMOUNT OF BONDS / NOTES OUTSTANDING AT BEGINNING OF BUDGETED YEAR 01/01/25	AMOUNT REQUIRED FOR PRINCIPAL & INTEREST PAYMENTS 01/01/25 12/31/25
INSIDE TEN MILL LIMIT:								
Various Purpose		2007	2028	2007	Term	4.25% - 5.00%	$ 125,000.00	$ 70,000.00
Renaissance Parkway		2005	2025	2005	Term	4.75%	$ 30,000.00	$ 31,500.00
Shamrock Bridge		2012	2034	2012	Term	3.00%	$ 932,000.00	$ 131,562.00
TOTAL							$1,087,000	$233,062
OUTSIDE TEN MILL LIMIT:								
TOTAL							$0	$0

* If the levy is outside the 10 mill limit by vote enter the words "by vote" and the date of the election.
If outside the 10 mill limit without a vote, enter the reference to the statute under which the levy is exempt from the 10 mill limit.

RESOLUTION NO. _____-24

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH CUYAHOGA COUNTY AND THE CITY OF CLEVELAND ("PARTIES") TO SUBMIT AN APPLICATION AND ACCEPT GRANT FUNDING THROUGH THE CLIMATE POLLUTION REDUCTION GRANT (CPRG) PROGRAM TO DEVELOP AND IMPLEMENT PLANS TO REDUCE GHG EMISSIONS AS DEFINED IN THE GRANT APPLICATION, AND DECLARING AN EMERGENCY.

WHEREAS, the Parties have formed the Municipal Empowerment for Clean Energy and Conservation Coalition ("Coalition") and are working collaboratively to reduce greenhouse gas ("GHG") emissions in the Cleveland-Elyria metropolitan statistical area ("MSA") by sharing knowledge regarding the operation of municipal utilities; and

WHEREAS, clean electricity is a primary GHG reduction measure listed in the Cleveland-Elyria MSA region's Priority Climate Action Plan (PCAP) that will yield significant cumulative GHG emissions reductions by 2030 and beyond; and

WHEREAS, nature-based solutions are also listed as a primary GHG reduction measure in the Cleveland-Elyria MSA region's PCAP, with an emphasis on increasing tree cover, access to connected greenspace, and protecting and restoring the region's water systems; and

WHEREAS, each Party has its own municipal electric utility committed to the expansion of renewable energy throughout the Cleveland-Elyria MSA and together are uniquely positioned to implement utility-scale, replicable solar projects; and

WHEREAS, the United State Environmental Protection Agency ("EPA") has made available $10 Billion in Climate Pollution Reduction Grants ("CPRG") to local governments to develop and implement plans to reduce GHG emissions; and

WHEREAS, the Parties are entering into this MOA to collaborate on an application for an EPA CPRG Implementation Grant in the total amount of $129,296,997 to implement the GHG emissions reductions projects ("Projects") more fully described in the Coalition Budget Narrative attached hereto as Exhibit A ("Budget Narrative") within the Cleveland-Elyria MSA.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PAINESVILLE, LAKE COUNTY, OHIO THAT:

SECTION I. The City Council authorizes the City Manager to enter into a Memorandum of Agreement with Cuyahoga County and the City of Cleveland to submit an application and accept grant funding through the Climate Pollution Reduction Grant Program to develop and implement plans to reduce GHG emissions.

SECTION II. That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate necessity to approve the Resolution before the July 15, 2024, deadline, and; therefore, this Resolution shall become effective immediately upon its passage.

PASSED:

EFFECTIVE DATE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

EXHIBIT A

Budget Narrative: Municipal Empowerment for Clean Energy and Conservation

Total Budget Request: $129,396,997

Cuyahoga County is requesting a total of **$129,296,997** in CPRG Implementation Grant funding for the Municipal Empowerment for Clean Energy and Conservation (MECEC) project. Cuyahoga County is the Lead Applicant in coalition with the City of Cleveland and the City of Painesville who will be receiving subawards from Cuyahoga County to implement GHG reduction measures in line with the PCAP submitted by the Northeast Ohio Areawide Coordinating Agency (NOACA). Both the City of Cleveland and the City of Painesville have provided signed Letters of Intent to sign an official MOA due July 1, 2024 to EPA. The breakdown of the budget costs and explanations are below.

Budget Detail:

GHG Measure 1: Clean Electricity

Personnel:

- ***Narrative note 1:***
    - Cuyahoga County staff member Mike Foley will devote 35% of his time to this project.
    - Cuyahoga County staff member Valerie Katz will devote 35% of her time to this project.
    - Cuyahoga County (new) staff will devote 100% of their time to this project; this position will assist with managing the coalition partners as well as assist with reporting requirements and other necessary documentation for this grant.
    - Cuyahoga County will have a number of contractual relationships it will have to develop for the successful implementation of the project. $75,000 a year for five years will be allocated to our Cuyahoga County Law Department to assist with staff expenses for this work.
    - Cuyahoga County will have a number of procurement events it will have to develop for the successful implementation of the project. $25,000 a year for five years will be allocated to Cuyahoga County Office of Procurement to assist with staff expenses for this work.
    - Cuyahoga County will require the services of a half time, in-house electrical engineer to assist with overall engineering and design work for all six projects. The Office of Public Works will hire a full time Electrical Engineer with half of that person's time being allocated to this project.

Personnel	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Cuyahoga County Staff position 1, FTE, 35% of time	*$39,838*	*$ 40,635*	*$ 41,448*	*$ 42,277*	*$ 43,123*	*$207,321*
Cuyahoga County Staff position 2, FTE, 35% of time	*$31,632*	*$ 32,265*	*$ 32,910*	*$ 33,568*	*$ 34,239*	*$164,614*
Cuyahoga County Staff position 3 (new), FTE, 100% of time	*$90,000*	*$ 91,800*	*$ 93,636*	*$ 95,509*	*$ 97,419*	*$468,364*
Cuyahoga County internal law department staff support	*$75,000*	*$76,500*	*$78,030*	*$79,590*	*$81,182*	*$390,302*

Cuyahoga County procurement staff assistance	*$25,000*	*$25,500*	*$26,010*	*$26,530*	*$27,060*	*$130,100*
Cuyahoga County Electrical Engineer staff position (new), FTE, 50% of time	*$60,000*	*$ 61,200*	*$ 62,424*	*$ 63,672*	*$ 64,945*	*$312,241*
TOTAL PERSONNEL	*$321,470*	*$327,900*	*$334,458*	*$341,146*	*$347,968*	*$1,672,942*

Fringe:

- ***Narrative note 1A*:** Cuyahoga County provides a benefits package for each employee that is equal to 22.5% of the employee's annual salary and includes a 2% annual salary increase for each county employee.

Fringe Benefits (narrative note 1A)	Year 1	Year 2	Year 3	Year 4	Year 5	**Total**
Flat fringe rate equal to 22.5% of the employee's annual salary	*$72,331*	*$73,778*	*$75,253*	*$76,758*	*$78,293*	*$376,412*

Contractual:

- ***Narrative note 2:*** 13MW solar installation for the construction of 3 distinct solar projects occurring in Cuyahoga County. These sites include Construction costs are anticipated to begin in Year 1 with projects coming online in Year 3. Project costs are higher in years 1-3 to account for construction. Project sites include: Harvard Rd. South Section , Garfield Heights, and Brooklyn.

CUYAHOGA COUNTY	**Cost**	**MW**
Brooklyn Landfill	6,300,000	5.3
Harvard Rd (South Section)	5,530,000	4.9
Garfield Heights	2,800,000	2.8
interconnection	450,000	
contingency	2,645,250	
Solar Total	**17,725,250**	
MW total		**13**

- ***Narrative note 3:*** Engineering consultant costs for the 5 year project timeline, anticipated higher cost in the first 3 years of construction due to the need for engineering study and analysis.
- ***Narrative note 4:*** Legal consultant will be used for assistance surrounding interconnection policy with PJM, and other grid related questions. This line item is based on past experience from the Lead Applicant on a previous landfill solar development project that came online in 2015 and through current microgrid development work CGE is engaged in.
- ***Narrative note 5:*** Community Engagement Consultant for coordination and management of the Community Advisory Board meetings, (4x per year over the course of the 5 years project period), outreach engagement for all project sites, and overall ongoing community engagement needs for the course of the project period. A contracted consultant for community engagement is needed to help coordinate the individual needs across all project components, as well as to interface with the lead applicant for any community engagement deliverables needed for grant reporting purposes. Sites are located across a two-county region; a consultant would enable more

accountability between the community and the project as this consultant will interface regularly with county staff to ensure program milestones are being met and comply with community engagement reporting requirements.

Contractual	Year 1	Year 2	Year 3	Year 4	Year 5	
13MW solar installation for 3 sites within Cuyahoga County (Narrative note 2)	*$5,465,285*	*$4,135,892*	*$4,135,891*	*$2,658,788*	*$1,329,394*	*$17,725,250*
Engineering Consultant Costs (Narrative note 3)	*$300,000*	*$200,000*	*$200,000*	*$200,000*	*$100,000*	*$1,000,000*
Outside legal consultant (Narrative note 4)	*$300,000*	*$200,000*	*$200,000*	*$200,000*	*$100,000*	*$1,000,000*
Community Engagement Consultant (Narrative note 5)	*$90,000*	$90,000	$70,000	$50,000	$50,000	*$350,000*
TOTAL CONTRACTUAL	*$6,155,285*	*$4,625,892*	*$4,605,891*	*$3,108,788*	*$1,579,394*	*$20,075,250*

Other:

- ***Narrative note 6:*** Subaward to the City of Painesville, funds will be used for the following: A 35MW solar system with a 10MW battery, inclusive of distribution line costs and site control needs, personnel costs for program administration and implementation within the city of Painesville, inclusive of retraining of Painesville Municipal Electric Division staff. Inclusive of the subaward to the City of Painesville is $16.5 million for site control needs for the 35MW solar installation, Figure 1 on page 8 of this document has a detailed breakout for the solar needs. Anticipated needs for site control, engineering analysis, and legal support yield a higher budget for years 1-3.

OTHER	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Subaward to the City of Painesville for a 35MW solar system with a 10MW battery	*$24,871,862*	*$18,821,950*	*$18,821,950*	*$12,099,825*	*$6,049,913*	*$80,665,500*

  - As mentioned above, Painesville intends to increase staff capacity within Painesville Municipal Electric to help administer this project, as well as retrain the current coal plant staff within Painesville Municipal Electric. A further break down of capacity costs that are included in the total subaward amount are below:

Legal costs (external)	$750,000.00
Staff training & retraining:	$250,000.00
Project Manager (1 FTE, 100%):	$375,000.00
Additional Plant Staff (1 FTE, 100%):	$300,000.00
Engineering Consultant	$500,000.00
	TOTAL $2,175,000

- The Painesville solar and storage project will be run as its own project and will be managed by Painesville Municipal Electric. Given the similar nature of the projects, they will each follow a similar timeline with similar milestones. These milestones are shown below and are reflected in higher costs for Project years 1-3 of their subaward.

Milestone	Completion Period
Preliminary engineering and site plan development	Q1 2025
Interconnection study	Q3 2025
Permitting and environmental studies	Q3 2025
Procure and contract EPC	Q1 2026
Procure long lead time materials	Q2 2026
Construction	Q4 2026
Utility Connection	Q1 2027
Energize System and Commissioning	Q1 2027

- ***Narrative note 7:*** **Subaward to the City of Cleveland,** funds will be used for the following: The City of Cleveland will be developing 15.1MW of solar across three locations (Kolthoff Rd., W11th, Harvard Rd. North), over the phase of the project period, with higher project costs in the first 3 years of the project period. Total breakdown of cost per site is below:

Cleveland: Clean Electricity	**Cost**	**MW**
Kolthoff	8,400,000	7
W.11	3,197,250	3.2
Harvard rd north	5,530,000	4.9
interconnection	450,000	
contingency	2,645,250	
Total for CLE Solar	**20,222,500**	
MW Total		**15.1**

  - Included in the line item cost for the W.11 solar system installation is funding for a public art installation totaling $47,250 (1.5% of the cost of the solar system). The W.11th site is located in the middle of a residential area on brownfield land; the community development corporation in this neighborhood (Old Brooklyn) wishes to activate the space surrounding the solar arrays for community benefit.

OTHER	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Subaward to the City of Cleveland inclusive of City of Cleveland personnel costs, including fringe, for program administration and implementation	*$6,569,317*	*$4,971,375*	*$4,971,375*	*$3,195,884*	*$1,597,942*	*$21,305,893*

- Staff time: One new full-time staff position will be created and two new part-time positions to help implement and administer the grant deliverables. The full-time position will be housed within Cleveland Public Power; the two part-time positions will be divided between the Cleveland Hopkins Airport and The Mayor's Office of Sustainability. All three positions will support on-going project coordination and implementation including project build outs, grid interconnections, airport power integration, organizing the pollinator landscaping, pocket park work at W.11th and community engagement assistance with the three projects.

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Staff FTE, 50%	*37,500*	*38,640*	*39,799*	*40,993*	*42,222*	*199,154*
Staff FTE, 50%	*37,500*	*38,640*	*39,799*	*40,993*	*42,222*	*199,154*
Staff FTE, 100%	*75,000*	*77,280*	*79,598*	*81,985*	*84,444*	*398,307*
Fringe 36%, 3% escalator	*54,000*	*55,641*	*57,310*	*59,029*	*60,799*	*286,779*
				total personnel costs		***1,083,393***

- ***Narrative note 8:*** Manufacturing Works (MW) will be a subrecipient of funds to carry out workforce ecosystem capacity building and coordination (e.g., apprenticeship programs, renewable energy training, partnerships, employer engagement, student recruitment, marketing). MW will work with coalition members to develop renewable energy related pre-apprenticeship programs and will conduct grassroots outreach to increase awareness about available job and pre-apprenticeship positions. In anticipation of the installation schedule funds for MW are higher in the first year of the project in anticipation for increased staff time.

Subaward for workforce ecosystem capacity building and coordination	*$500,000*	*$400,000*	*$400,000*	*$400,000*	*$300,000*	*$2,000,000*

Indirect Costs:

- There was a 10% contingency cost factored into the overall cost of the solar installation price for Cuyahoga County, the City of Cleveland, and the City of Painesville; therefore an additional 10% indirect cost is not needed.

GHG Measure 2: Nature-Based Solutions

Personnel, Fringe Benefits, Travel, Equipment, Supplies

- ***Narrative Note 9***: There are no funds required that fall under these categories due to this PCAP measure being implemented via subaward or contract agreements for all sites.

Contractual:

- ***Narrative Note 10***: Cuyahoga County will contract the implementation of nature based solutions surrounding the solar array and adjacent property at each location (Brooklyn Landfill, Harvard Rd. South, Garfield Heights). A seed mix including native pollinator species and meadow species

that are suitable for planting on capped landfills and near solar panels planting will be planted @ $2,000/acre ($500 for seed, $1500 for install including site preparation and invasive species management); 19 acres in total will be planted.

Contractual *(Narrative Note 10)*	Year 1	Year 2	Year 3	Year 4	Year 5	**Total**
Conservation measures for implementation of nature based solutions ; to be contracted			*$19,000*	*$19,000*		*$38,000*
TOTAL CONTRACTUAL	*$0*	*$0*	*$19,000*	*$19,000*	*$0*	*$38,000*

Other:

- ***Narrative Note 11:*** Subaward to coalition member, the City of Painesville, for conservation measures and implementation of nature based solutions surrounding the Painesville Municipal Electric solar array and adjacent property that consists of:
    - Subaward to local conservation nonprofit, **West Creek Conservancy to carry out the following nature-based solutions, totaling $3,025,000**
        - Native pollinator habitat: An initial planting of 140 acres will occur in 2025; a secondary planting of 100 acres will occur in 2026, and the final 160 acres will be planted by 2028. Native pollinator planting @ $2,000/acre ($500 for seed, $1500 for install including site preparation and invasive species management); 400 acres total. **$800,000 total cost**
        - Reforestation: Approximately 4,000 1” caliper trees will be planted, with species including sycamore, cottonwood, red maple, silver maple, sugar maple, northern red oak, white oak, American basswood, black willow, sandbar willow, and dogwood. Trees @ $400/tree (including the tree itself, supplies and installation, and maintenance during the establishment period). Trees are scheduled to be planted years 2-4. **$1,600,000 total cost**
        - Increased staff capacity: 1 FTE, 100% of time over the duration of the project period. This staff person will be incorporated into West Creek’s operating budget beyond the 5 year grant period. As a conservation nonprofit, working at the intersection of renewable energy and conservation is a new endeavor for this organization; the organization requires a specific staff position to provide increased capacity related to perpetual management of the land assets (including maintenance and monitoring of a significant brownfield) associated with this project. This staff person will support the City of Painesville in development of the solar infrastructure, and will interface with the Lead Applicant to ensure timeline and milestones are being met and to support any reporting requirements for nature based solutions implemented by West Creek Conservancy. **$625,000 total cost**

OTHER	Year 1	Year 2	Year 3	Year 4	Year 5	**Total**
Subaward to coalition member, the City of Painesville, for conservation measures for implementation of nature based solutions	*$725,000*	*$645,000*	*$445,000*	*$765,000*	*$445,000*	*$3,025,000*

- ***Narrative Note 12:*** Subaward coalition member, the City of Cleveland, for native pollinator planting surrounding the solar arrays at W.11th, Kolthoff Rd, and Harvard Road (North), as well as the development of a small 1.5 acre park on location at W.11th - **totaling $238,000**
    - Native pollinator planting for 19 acres across the solar sites that the City of Cleveland will be leading. The native pollinator planting will occur after construction of the solar arrays have been completed at each site location. Native pollinator planting @ $2,000/acre ($500 for seed, $1500 for install including site preparation and invasive species management); 19 acres total.
    - In collaboration with the Old Brooklyn Community Development Corporation, the City of Cleveland will assist in the development of a 1.5 acre “parklet” to utilize the space surrounding the solar array located at W. 11th. This parklet will be accessible to the community, and include lights, clover cover, benches, a kiosk for educational purposes (non-digital), and a wood chip path. Trees already exist on this site and will be preserved to the extent possible; the City of Cleveland will use the Tree Preservation Ordinance to replace any trees lost with 2" caliper trees. Cost is inclusive of a 5 year project timeline for this parklet creation (planning & design, construction, landscaping, and maintenance and operation):

OTHER	Year 1	Year 2	Year 3	Year 4	Year 5	**Total**
Subaward to coalition member, the City of Cleveland for implementation of nature based solutions	*$50,000*	*$50,000*	*$40,000*	*$49,000*	*$49,000*	*$238,000*

Indirect Costs:

- There are no indirect costs budgeted into this line item.

Expenditure of Awarded Funds

Cuyahoga County has a strong track record for grant management and will convene both coalition members in the weeks following April 1, 2024 grant submission to continue discussions around the specifics of the MOA that will be signed by all coalition members and submitted to the EPA by July 1, 2024.

Anticipated increased staff capacity across the three coalition members will also enable collaborative processes that ensure there is coordination amongst the entities to expend funds in a timely manner through quarterly check-ins with one another. Regular check-ins will include discussion of mandated progress reports and will include discussions around summarizing technical progress, accomplishments, and milestones achieved including a description of outputs and outcomes, planned activities for the next six months, a summary of expenditures to date, and any anticipated challenges. The Community

Engagement Consultant will help this coalition meet all requirements regarding the community engagement plan. This coalition has a vested interest to continue working together beyond the grant period as it relates to municipal energy deployment and innovative approaches to addressing energy burden and energy diversification.

Cuyahoga County as the lead applicant of this coalition will subaward to two entities; The City of Cleveland and The City of Painesville. The explanation above separates out the costs per GHG measure, Clean Electricity and Nature Based Solutions. The City of Painesville and the City of Cleveland are represented within both GHG measure sections but will each be receiving one subaward from Cuyahoga County that will be inclusive of both PCAP measures. The City of Painesville will be working with a local nonprofit, West Creek Conservancy, to carry out PCAP measures associated with nature based solutions.

Reasonableness of Costs:

a. Clean Electricity

Assumptions for solar and storage costs are below:

- $2/watt solar costs
- $350/kWh battery costs for a 35 MWh system (10 MW, 3 hour duration)

The Coalition plans to apply for the 10% low income tax credit adder for each eligible project. Additionally, the Coalition plans on meeting domestic content requirements to make each project eligible for that 10% tax credit adder. Every project in our application will take full advantage of the Section 48 Investment Tax Credit (ITC). At minimum, each project will receive the 30% base ITC as well as the 10% qualified energy community adder, as each project will be placed on a brownfield site or on a census tract bordering a coal plant closure. Further, several of the proposed projects in Cuyahoga County are in low income census tracts, and those projects under 5 MW will request the 10% low-income tax credit adder from the IRS. This means that these projects will at minimum leverage a 40% ITC towards project costs, but a possible 50% or 60%, extending CPRG dollars as far as possible. Utilizing ITC makes this project much more financially viable than without, the table below showcases the cost savings and viability of this project since the Coalition intends to leverage the ITC:

Landfill solar	Capital Costs	ITC Level	Total Cost	System Size (MW)
Kolthoff Landfill	$14,000,000	40%	$8,400,000	7
Brooklyn Landfill	$10,500,000	40%	$6,300,000	5.3
Harvard Rd (North Section)	$12,600,000	40%	$7,560,000	6.3
Harvard Rd (South Section)	$7,000,000	50%	$3,500,000	3.5
Garfield Heights	$5,600,000	50%	$2,800,000	2.8
West 11th	$6,300,000	50%	$3,150,000	3.2
Interconnection	$1,500,000	40%	$900,000	
Total Landfill	**$57,500,000**		**$32,610,000**	

Painesville	Capital Costs	ITC Level	Total Cost
Solar Cost	$70,000,000	40%	$42,000,000
Battery Cost	$10,500,000	40%	$6,300,000
Distribution Line	$14,000,000	40%	$8,400,000
Site Control	$16,500,000		$16,500,000
Total Painesville	**$111,000,000**		**$73,200,000**

	Without ITC	With ITC
Combined Total	$168,500,000	$105,810,000

	Contingency	Contingency
	10%	10%

	Without ITC	With ITC
Grand Total	$185,350,000	$116,391,000

Figure 1:

Interconnection costs were calculated utilizing past experiences with Cleveland Public Power and historical information for the Brooklyn Phase I landfill that was previously completed.

The project budget is structured so that 70% of funds are dispersed within the first three years of the project, with the anticipated goal of solar going online in 2027. Personnel costs and associated project implementation costs occur throughout all five years of the project period.

b. Nature Based Solutions

Assumptions for nature based solutions include:

- $500/acre native pollinator seed mix. While this is higher than the average meadow seed mix one may find on the market, the coalition will be partnering with West Creek Conservancy to develop a unique new pollinator seed mix that is suitable for the specific site characteristics of the proposed brownfield/landfill solar sites. Species will need to be selected that are relatively shade tolerant, won't grow high enough to interfere with the solar panels, and won't root deep enough to interfere with brownfield/landfill cap systems.
- $1,500/acre of installation of pollinator seed. This includes pre-treating the landscape and prepping the soil for seeding, as well as ongoing invasive species treatment throughout the establishment period of the native pollinator habitat. This cost is based on an average from past ecological restoration projects completed by West Creek Conservancy.

- $400/tree for reforestation. This includes an estimated $125 for the tree itself, $175/tree for planting supplies and installation by a contractor, and $100/tree for contracted maintenance including watering, deer protection, and invasive species removal throughout the three-year establishment period. These cost estimates are based on past reforestation projects completed by West Creek Conservancy.
- $125k/year for 1 FTE West Creek Conservancy staff person for oversight of the 1,100 acre Painesville brownfield property and all nature based solutions deliverables associated with the Painesville project. $125k/year is an average over 5 years including fringe.

MEMORANDUM OF AGREEMENT

by and between

CUYAHOGA COUNTY, OHIO

and

CITY OF CLEVELAND, OHIO

and

CITY OF PAINESVILLE, OHIO

This Memorandum of Agreement (hereinafter referred to as the "MOA") effective as of _____ __, 2024 (the "Effective Date"), is made and entered into by and between Cuyahoga County, Ohio a body corporate and politic and a political subdivision of the State of Ohio organized and existing under the Charter of Cuyahoga County effective January 1, 2010, as same may have been amended, modified, and supplemented to the effective date hereof (the "County"), and the City of Cleveland, Ohio, a municipal corporation of the State of Ohio having a principal place of business at 601 Lakeside Avenue East, Cleveland, Ohio 44114 ("Cleveland"), and the City of Painesville, Ohio, a municipal corporation of the state of Ohio, having a principal place of business at 7 Richmond Street, Painesville, Ohio 44077 ("Painesville"; County, Cleveland, and Painesville may be referred to herein individually as a "Party" and collectively as the "Parties").

WHEREAS, the Parties are working collaboratively as the Municipal Empowerment for Clean Energy and Conservation Coalition ("Coalition") to reduce greenhouse gas ("GHG") emissions in the Cleveland-Elyria metropolitan statistical area ("MSA") through GHG reduction measures outlined in the region's Priority Climate Action Plan (PCAP); and

WHEREAS, the United State Environmental Protection Agency ("EPA") has made available $4.3 billion in Climate Pollution Reduction Grants ("CPRG") to local governments to develop and implement plans to reduce GHG emissions, in accordance with their applicable region's PCAP GHG reduction measures; and

WHEREAS, clean electricity is a primary GHG reduction measure listed in the PCAP that will yield significant cumulative GHG emissions reductions by 2030 and beyond; and

WHEREAS, nature-based solutions are also listed as a primary GHG reduction measure in the PCAP, with an emphasis on increasing tree cover, access to connected greenspace, and protecting and restoring the region's water systems; and

WHEREAS, each Party has its own municipal electric utility committed to serving their communities by improving energy equity through the affordable expansion of renewable energy throughout the Cleveland-Elyria MSA and together are uniquely positioned to implement utility-scale, replicable solar projects; and

WHEREAS, the Parties, as the Coalition, submitted an application for an EPA CPRG

Implementation Grant in the total amount of $129,296,997 ("Application"); and

WHEREAS, the Parties are entering into this MOA for the sole and express purpose of implementing the GHG emissions reductions projects ("Projects") as more fully described in the Coalition Budget Narrative incorporated into the Application and attached hereto as Exhibit A ("Budget Narrative") within the Cleveland-Elyria MSA and within the described timeline.

NOW, THEREFORE, in consideration of mutual agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

I. ROLES and RESPONSIBILITIES of the PARTIES

A. The County will:

1. Serve as the lead applicant to the EPA for the CPRG, will be responsible for the overall management of the CPRG award, and otherwise accountable to the EPA for the Parties' performance under the CPRG award.

2. Devote personnel to the Projects, as described on Narrative note 1 and note 1A of the Budget Narrative.

3. Enter into the contracts necessary to implement solar on the Brooklyn Landfill, Harvard Road (South Section) and Garfield Heights Projects, each as more fully described in Narrative notes 2 through 5 and 10 of the Budget Narrative.

4. Engage Manufacturing Works, on behalf of the Coalition, as a subrecipient to carry out workforce ecosystem capacity building and coordination as more fully described in Narrative note 8 of the Budget Narrative.

B. Painesville will be responsible for receiving a subaward and all activities and reporting requirements related to the subaward including, without limitation, training, retraining, and building staff as necessary, and implementing the 35MW solar system with a 10MW battery Project, all as more fully described in Narrative notes 6 and 11 of the Budget Narrative.

C. The City of Cleveland will be responsible for receiving a subaward and all activities and reporting requirements related to the subaward including, without limitation, staffing and/or sub-contracting the development of approximately 15.1MW of solar projects across three locations, all as more fully described in Narrative notes 7 and 12 of the Budget Narrative.

II. TERM and TERMINATION

A. The Term of this MOA shall commence on the Effective Date and, unless earlier

terminated in accordance with the provisions hereof, shall continue in effect through _____ (the "Term.").

B. This MOA shall terminate upon:

1. Execution of the CPRG Implementation Grant Agreement by the County and the execution of subgrant agreements between the County and Cleveland and the County and Painesville;

2. The EPA's rejection of the Coalition's CPRG Implementation Grant ("Application").

III. SCOPE of the MOA

A. The Parties will meet as the Coalition no less frequently than once every 60 days to provide updates on the various Projects and to collaborate in addressing any issues that may arise in Project implementation. The Parties agree to discuss, review and address unanticipated Project implementation concerns and questions as a Coalition, with each Coalition member informed before any decisions or actions addressing any such Project concerns are taken. All such decisions are to be made in accordance with the CPRG Implementation Grant Agreement.

B. Subcontracting. This MOA is entered into with the understanding that the Parties may each subcontract for services as more fully described in the Budget Narrative.

C. No Indemnity. Each Party shall be responsible for its own costs, and be solely responsible for any and all claims, demands, or causes of action arising from the Party's obligations under this MOA.

IV. MEDIA and INFORMATION

A. Media Coverage. All Parties will be included in any media coverage.

B. Information & Public Records.

1. During the Term of this MOA, each Party hereto may disclose information ("Information") to the other Party by a variety of means, including oral presentations, provision of documents or portions thereof, samples or other physical materials, visual inspection or otherwise. For purposes of this MOA, the term "Disclosing Party" shall refer to the Party and any of its employees and contractors (collectively "Representatives") in connection with such party's disclosure of Information to the other party and the term "Recipient" shall refer to the Party hereto and any of its Representatives in connection with such party's receipt of Information from the other Party. Either Party hereto shall cause any of its Representatives that receives Information to be bound by all terms of this MOA.

2. Any Information NOT a public record under Ohio's Public Records Act (O.R.C. 149.43) shall be conspicuously marked as such. Any Party that receives a public records request for Information shall share such request with the other Parties. The Parties agree to confer before any Party responds to a request for Information any Party has marked as not a public record; provided that any Party may make an independent determination regarding the release of Information in response to a public records request.

3. All parties recognize they are subject to Ohio Sunshine Laws and must comply with all requirements thereof.

C. Ownership of Information. All documents and data created pursuant to this MOA shall be the property of the Party creating same.

V. MISCELLANEOUS

A. Final Grant Agreement. The Parties acknowledge that this MOA is not a final, binding agreement and does not contain all of the material terms of a CPRG Implementation Grant agreement or subgrant agreement.

B. Notice. Wherever notice is required or permitted under this MOA, such notice shall be deemed given when delivered by hand, via certified mail with return receipt requested, via overnight courier with signature required, and addressed as follows:

In the case of the County:

Cuyahoga County Department of Public Works
Attn: Administrator, Cuyahoga Green Energy
2079 East 9th Street, 5th Floor
Cleveland, Ohio 44115

With a copy to:

Cuyahoga County Department of Law
Attn; Law Director
2079 East 9th Street, Suite 7-100
Cleveland, Ohio 44115

In the case of Cleveland:

City of Cleveland, Mayor's Office of Sustainability
Attn: Director, Sustainability & Climate Justice
75 Erieview Plaza, Suite 115
Cleveland, OH 44114

With a copy to:

City of Cleveland Department of Law
Attn: Law Director
601 Lakeside Avenue, Rm. 106
Cleveland, Ohio 44114

In the case of Painesville:

City of Painesville
Attn: City Manager
7 Richmond Street,
Painesville, Ohio 44077

With a copy to:

Painesville Electric Department

A. Party may from time to time change its designated recipient or address for notification purposes by giving the other party written notice of the new designated recipient or address and the date upon which it will become effective.

C. Assignment. No Party shall assign, transfer, convey or otherwise dispose of this MOA.

D. Entire Agreement and Modification. This MOA, including any Exhibits and documents referred to in this MOA or attached hereto, each of which is incorporated herein, constitutes the entire and exclusive statement of the agreement between the parties with respect to its subject matter and there are no oral or written representations, understandings or agreements relating to this MOA which are not fully expressed herein. The Parties agree that any other terms or conditions included in any quotes or other forms utilized or exchanged by the Parties shall not be incorporated herein unless expressly agreed upon in writing by authorized representatives of the Parties. No modification, change or amendment hereof shall be valid unless such is in writing and signed by each authorized representative of the Parties.

E. No Third-Party Beneficiaries. Nothing herein is intended or shall be construed to confer upon any person or entity other than the Parties and their successors or assigns, any rights or remedies under or by reason of this Letter.

F. Authority. Each Party represents that is has the full legal authority to enter into this MOA and perform its obligations hereunder, and has all requisite power, corporate or otherwise, to conduct its business as presently conducted and as contemplated herein.

G. No Apparent Authority. No Party is an agent, servant, or employee of any other Party with respect to any services performed hereunder. The Parties recognize and agree that:

1. No public official or employee of any Party may be deemed to have apparent authority to bind any other Party to any contractual obligations not properly authorized by the Party; and

2. The Coalition was formed solely for the purpose of submitting the Application and is not organized as a governmental unit or instrumentality of government.

H. No Franchise Authority or Contractual Authority. Nothing in this MOA allows for or authorizes the County's Utility to operate within the municipal boundaries of Cleveland.

I. Headings. The section headings appearing in this MOA are inserted only as a matter of convenience and in no way define, limit, or describe the scope or extent of such section.

J. Counterparts. This MOA may be executed in counterparts, each of which shall be deemed an original, and all of which shall be deemed one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature shall create a valid and binding obligation of the Party who delivered same (or on whose behalf such signature was submitted) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.

K. ELECTRONIC SIGNATURE. THE PARTIES AGREE THAT ALL MOA DOCUMENTS REQUIRING COUNTY SIGNATURES MAY BE EXECUTED BY ELECTRONIC MEANS, AND THAT THE ELECTRONIC SIGNATURES AFFIXED BY THE COUNTY TO SAID DOCUMENTS SHALL HAVE THE SAME LEGAL EFFECT AS IF THAT SIGNATURE WAS MANUALLY AFFIXED TO A PAPER VERSION OF THE DOCUMENT. THE PARTIES ALSO AGREE TO BE BOUND BY THE PROVISIONS OF CHAPTERS 304 AND 1306 OF THE OHIO REVISED CODE AS THEY PERTAIN TO ELECTRONIC TRANSACTIONS.

(Signature Pages Follow)

County of Cuyahoga, Ohio

By:_____
Chris Ronayne, County Executive
or designee pursuant to Executive Orders
No. EO2023-0003, dated July 6, 2023

Date:_____

The legal form and correctness of this instrument is approved.

_____
Law Department, Cuyahoga County, Ohio
Richard D. Manoloff, Director of Law
Gregory G. Huth, Assist. Law Director,
Senior Counsel

Date:_____

City of Cleveland, Ohio

By:_____
Justin M. Bibb, Mayor

Date:_____

The legal form and correctness of this instrument is approved.

_____
Mark Griffin
Director of Law
City of Cleveland

Date:_____

City of Painesville, Ohio

By:_____
Douglas L. Lewis, City Manager

Date:_____

The legal form and correctness of this instrument is approved.

_____
Jim Lyons, Law Director

Date:_____

RESOLUTION NO. _____-24

RESOLUTION AUTHORIZING THE ADOPTION OF AN ALTERNATIVE METHOD OF APPORTIONING THE LOCAL GOVERNMENT FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the alternative formula for distributing Local Government Funds since 1982 was determined to no longer be valid by the Lake County Prosecutor; and

WHEREAS, as a result, the alternative formula for distributing Local Government Funds would have to be replaced with a new alternative formula or adoption of the statutory formula provided for in Ohio Revised Code Sections 5747.51 and 5747.52; and

WHEREAS, an ad hoc committee of the Lake County Mayors and Managers Association was formed and, after six months of deliberation, the committee has proposed a new Alternative Formula for the Lake County Local Government Fund Distribution; and

WHEREAS, R.C. 5747.53 provides that in lieu of apportioning the undivided local government fund by a method prescribed by R.C. 5757.51 and R.C. 5747.52, that an alternative method of apportioning said fund may be approved by the Lake County Budget Commission, hereafter called the "Budget Commission", upon approval of such alternative method by the Board of County Commissioners, the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township trustees and legislative authorities of the municipal corporations, located wholly or partially within the county, excluding the legislative authority of the city with the greatest population; and

WHEREAS, the method of apportioning the fund pursuant to R.C. 5747.51 and R.C. 5747.52, would likely result in uncertainties about the financial distribution of the fund; and

WHEREAS, the newly proposed alternative method of apportioning the fund would bring stability to the process by eliminating the uncertainties and would provide a better method of financial planning.

NOW, THEREFORE, BE IT IS RESOLVED BY THE COUNCIL OF PAINESVILLE, OHIO, LAKE COUNTY, STATE OF OHIO:

SECTION I: The City of Painesville agrees that the alternative method of apportioning the local government fund as described and outlined in Exhibit A, and fully incorporated herein, as a fair and equitable method of apportioning the local government fund which is in the best interests of the City and Lake County, and the Painesville City Council hereby approves said alternative formula for a period of ten years.

SECTION II: The Painesville City Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting and that all the deliberations of this Painesville City Council and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code; and

SECTION III: That this Resolution is passed as an emergency measure for the protection and preservation of the peace, health, safety and general welfare of the inhabitants of the City of Painesville, the emergency being the immediate update the Local Government Fund, and; therefore, this Resolution shall be effective immediately.

PASSED:

EFFECTIVE:

_____
Jim Fodor
President of Council

ATTEST:

_____
Samantha Danielson
Clerk of Council

EXHIBIT A

ALTERNATE LOCAL GOVERNMENT FORMULA FOR LAKE COUNTY

1. Calendar year 2024 allocations shall be made using the same alternate formula determined by the 1982 LGF agreement.

2. Revenue received by Lake County from the Tax Commissioner's Local Government Fund, Local Government Assistance Fund, and additional revenue calculation and deposited into the Undivided Local Government Fund shall be referred to collectively as the Local Government Fund (LGF). The total dollars received by Lake County from these funds shall be known as the "Total County Allocation."

3. Beginning in 2025, distributions from the LGF shall be made using the following formula:

    a. Lake County shall receive 10.8507% of the Total County Allocation each year as its total distribution.

    b. The total estimated county allocation minus the county distribution shall be deemed the "Remaining Total Distribution."

    c. The following villages shall receive the greater of their 2024 distribution amount or the amount derived from paragraph (e) below. The sum of these distributions shall be taken from the Remaining Total Distribution annually. The amounts to each village will be reduced proportionally if the Total County Allocation in any year after 2024 is less than the 2024 Total County Allocation.

        i. Perry
        ii. North Perry
        iii. Grand River
        iv. Fairport Harbor
        v. Lakeline
        vi. Timberlake

    d. The following cities and villages shall receive the greater of 90% of their 2024 distribution or the amount derived from paragraph (e) below. The sum of these distributions shall be taken from the Remaining Total Distribution annually. The amounts to each city and village will be reduced proportionally if the Total

County Allocation in any year after 2024 is less than the 2024 Total County Allocation

i. Willoughby
ii. Willowick
iii. Wickliffe City
iv. Eastlake
v. Waite Hill
vi. Kirtland Hills

e. The balance of the Remaining Total Distribution shall be disbursed among the remaining cities, villages, and townships in the following manner:

i. Their populations, as determined by the most recent decennial U.S. Census, shall be summed, and a percentage assigned to each jurisdiction based on their portion of that sum.

ii. In 2025, Perry Township shall receive 80% of the percentage derived in paragraph (i) above, and an additional 1% each year thereafter, not to exceed 86%. These amounts annually shall be taken from the Remaining Total Distribution annually.

iii. In 2025, Madison Township, Leroy Township, Concord Township, and Painesville Township shall receive 62% of the percentage derived in paragraph (i) above, and an additional 4% each year thereafter, not to exceed 86%. These amounts annually shall be taken from the Remaining Total Distribution annually.

iv. The remainder of the Remaining Total Distribution shall be divided among the remaining cities and villages based on their population, as determined by the most recent decennial U.S. Census. Their total populations will be summed, and each shall receive a proportionate amount based on their portion of the sum.

4. In the application of this formula no city, village, or township shall receive more than 100% of its population-based allocation, except for those amounts provided to the subdivisions in paragraphs 3(c) and 3(d) under the terms provided therein. Any aggregate amount that provides a distribution to communities through the application of paragraph 3(e)(iv) above shall be used to increase the percentage above 86% of the township population-based proportions, as determined in paragraph 3(e)(i).

5. The Lake Metropark District shall receive an annual distribution of $100,000 for a five-year period in years 2025, 2026, 2027, 2028, and 2029. The distribution to the Lake Metropark District shall be taken proportionally from the final distribution of each Lake County city, village, and township based on their population as determined by the most recent U.S. decennial Census (for example, based on the 2020 U.S. Census, each subdivision would provide $.4305909 per resident from their final distribution).