

County Council of Cuyahoga County, Ohio

Ordinance No. O2016-0009

Sponsored by: County Executive Budish/Department of Sustainability	An Ordinance enacting Chapter 808 of the Cuyahoga County Code to establish the Cuyahoga County Green Community Program and provide for matters relating to said Program, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: Councilmembers Miller and Simon	

WHEREAS, Cuyahoga County, Ohio (the “County”), an Ohio county duly organized and validly existing under the laws of the State of Ohio (the “State”) and its Charter, is authorized and empowered, by virtue of the laws of the State, including without limitation, Ohio Constitution, Article VIII, Section 13 and Ohio Revised Code Chapter 165, to issue its revenue bonds for the purpose of making one or more loans to assist one or more “projects” as defined in Ohio Revised Code Section 165.01; and

WHEREAS, Section 301(a) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 added Section 54D (as amended by Section 1112 of the American Recovery and Reinvestment Act of 2009, “Section 54D”) to the Internal Revenue Code of 1986, as amended (as amended, the “Code”), to authorize states and political subdivisions, including the County, to issue qualified energy conservation bonds (“QECBs”) for one or more Qualified Conservation Purposes (as defined in Section 54D); and

WHEREAS, among such Qualified Conservation Purposes are “capital expenditures incurred for purposes of ... implementing green community programs (including the use of loans, grants, or other repayment mechanisms to implement such programs)” (as used herein, “Green Community Programs”); and

WHEREAS, County desires to establish a Green Community Program (as further described herein, the “Cuyahoga County Green Community Program”), to be financed in part with the proceeds of QECBs to be issued by the County; and

WHEREAS, the aim of the Cuyahoga County Green Community Program is the reduction of energy consumption within the jurisdiction of the County so as to: (a) reduce the climate effects of greenhouse gas production; (b) reduce energy costs of political subdivisions, businesses, and residents within the jurisdiction of the County; (c) increase the energy efficiency of the County and those working and living within its jurisdiction; and (d) provide an example for others to follow; and

WHEREAS, this Ordinance is being enacted to provide an initial description of the Cuyahoga County Green Community Program and to set forth certain projects to be included therein; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by the County can continue.

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

SECTION 1. Chapter 808 of the Cuyahoga County Code is hereby enacted to read as follows:

Chapter 808: Cuyahoga County Green Community Program

Section 808.01

The County hereby establishes the Cuyahoga County Green Community Program as a Green Community Program within the meaning of Section 54D of the Internal Revenue Code of 1986, as amended. Projects and programs included within the Cuyahoga County Green Community Program shall include, but not be limited to, the projects and programs described below.

(A) Energy Efficiency and Alternative Energy Improvements to Buildings, Structures, and Facilities

- (1) Acquisition, construction, equipment, improvement, installation and financing of energy efficiency improvements, including, without limitation, improvements to the mechanical systems of buildings, structures, and facilities; installation or improvement of HVAC systems, air handlers, chillers, boilers, and high efficiency accessory systems; installation or improvement of compressors, refrigeration systems, waste energy recovery systems, and improved electrical distribution systems; installation or improvement of heat transfer technologies, insulation, windows, reflective roofing; installation or improvement of energy efficient roofing; installation or improvement of lighting and lighting controls; which improvements are made with respect to buildings, structures, facilities, or real property owned by any public or private parties located within the County, including the County, other local governments and political subdivisions of the State, private persons, any property owners within the County, and any public or private parties in cooperation with any of the foregoing.
- (2) Acquisition, construction, equipment, improvement, installation and financing of alternative energy technologies, including special energy improvement projects identified under Revised Code 1701.01(I) and renewable energy technologies identified under Revised Code 4928.01(A)(35), which

technologies include, without limitation, solar photovoltaic, solar thermal, wind, geothermal, hydropower, solid waste to energy technologies, biomass, gasification, fuel cells, off peak storage facilities, and distributed generation facilities utilizing renewables, which improvements are made with respect to buildings, structures, facilities, or real property owned by any public or private parties located within the County, including the County, other local governments and political subdivisions of the State, private persons, any property owners within the County, and any public or private parties in cooperation with any of the foregoing.

(B) Financing Energy Efficiency and Alternative Energy Improvements

- (1) Financing loans for owners of residential, commercial, industrial, tax-exempt, and governmental properties in the jurisdiction of the County for energy efficiency and alternative energy improvements with (A) the proceeds of County obligations issued for such purposes under Ohio Revised Chapter 165 or otherwise, or (B) the proceeds of obligations of other political subdivisions of the State operating in cooperation with the County.
- (2) Financing energy efficiency and alternative energy projects through energy special improvement districts by which property owners are able to pay for the costs of the improvements by an assessment on their property tax bill.

(C) County Energy Accountability Programs

- (1) Installation and use of real-time energy tracking systems to monitor and reduce electrical demand, including, without limitation, installation of web-based energy sub-metering system integrated into the control systems of buildings, structures, facilities, or real property owned by any public or private parties located within the County, including the County, other local governments and political subdivisions of the State, private persons, any property owners within the County, and any public or private parties in cooperation with any of the foregoing.
- (2) Implementation and operation of increased energy accountability programs, including, without limitation, creation of public websites showing total energy use and alternative energy use by the County, other local governments and political subdivisions of the State, private persons, any property owners within the County, and any public or private parties in cooperation with any of the foregoing.
- (3) Implementation and operation of energy auditing programs and partnerships with utilities, including investor-owned utilities, for such programs with respect to buildings, structures, facilities, or real property owned by private parties, and implementation and operation of rebate programs that lower the

cost to private property owners of energy efficiency and alternative energy technologies.

(D) Land Use Programs

- (1) Implementation and operation of programs to remediate, redevelop, and reuse industrial, commercial and manufacturing brownfield properties by using energy efficiency, renewable, and alternative energy improvements in connection with those properties.
- (2) Acquisition, construction, equipment, improvement, installation, financing and use of farming practices that reduce the use of fossil fuels for crop production and improve soil and water conservation.
- (3) Acquisition, construction, equipment, improvement, installation, financing and use of bio-fuel technologies including, without limitation, planting of crops to be used in bio-fuel production.
- (4) Acquisition, construction, equipment, improvement, installation, financing and use of biomass energy production programs and projects.

Section 808.02

The projects and programs listed in Section 808.01 are not intended to represent an exhaustive description of the potential projects and programs to be included in the Cuyahoga County Green Community Program. Additional projects and programs may be added to the Cuyahoga County Green Community Program by future Resolution or Ordinance of Cuyahoga County Council as such projects and programs are developed.

SECTION 2. It is necessary that this Ordinance 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 Ordinance 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 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance 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. Miller, the foregoing Ordinance was duly enacted.

Yeas: Schron, Conwell, Jones, Brown, Hairston, Simon, Greenspan, Miller, Germana, Gallagher and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

Additional Sponsorship Requested: March 5, 2016

First Reading/Referred to Committee: March 8, 2016

Committee(s) Assigned: Education, Environment & Sustainability

Additional Sponsorship Requested on the Floor: March 22, 2016

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