

(Mayor Potter)

**CITY OF KIRTLAND**

**RESOLUTION NO.: 20-R-71**

**A RESOLUTION AUTHORIZING THE MAYOR OR HIS DESIGNEE TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE CITY OF KIRTLAND FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER FACILITIES, DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Kirtland seeks to upgrade its existing wastewater facilities; and

**WHEREAS**, the City of Kirtland intends to apply for Water Pollution Control Loan Fund (WPCLF) for the planning, design and/or construction of the wastewater facilities; and

**WHEREAS**, the WPCLF requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source; and

**WHEREAS**, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

**WHEREAS**, due to the current state of emergency in Ohio stemming from the COVID-19 pandemic, at some point City Hall, the Kirtland Public Library, and the Kirtland Community Center have been closed in order to protect both the community and the staff from potential infection; and

**WHEREAS**, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

**SECTION I:** Kevin F. Potter, Mayor for the City of Kirtland, or his designee, is hereby authorized to apply for a WPCLF loan, sign all documents for planning, design and/or construction of wastewater facilities on behalf of the City of Kirtland, Ohio.

**SECTION II:** The dedicated repayment source will be special assessments.

**SECTION III:** The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and instead requires the following:

1. If City Hall, the Kirtland Public Library, and/or the Kirtland Community Center are open on the effective date of this enacted legislation, then the Clerk of Council is hereby directed to post the enacted legislation for fifteen (15) consecutive days after its effective date in each facility; and
2. Should any of the facilities listed above be closed on the effective date of the enacted legislation, then the Clerk of Council is not required to post the enacted legislation in that facility; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

**SECTION IV:**

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this 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.

(b) This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to apply for said funding to ensure certain residents have the needed sewer infrastructure; wherefore, this Resolution shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Third Reading: \_\_\_\_\_

DATE PASSED: \_\_\_\_\_

\_\_\_\_\_  
President of Council

Submitted to the Mayor for his  
Approval on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2020.

ATTEST:

Approved by the Mayor, this  
\_\_\_\_\_ day of \_\_\_\_\_,  
2020.

\_\_\_\_\_  
Clerk of Council  
WPCLF Loan Authorization

\_\_\_\_\_  
Mayor Kevin F. Potter