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CITY OF BROOK PARK, OHIO

RESOLUTION NO. 23-2022

INTRODUCED BY: MAYOR ORCUTT

A RESOLUTION

AGREEING TO ALLOW CUYAHOGA COUNTY TO OPERATE A PUBLIC UTILITY IN THE CITY OF BROOK PARK PURSUANT TO ITS POWERS UNDER THE STATE OF OHIO AND THE LAWS ESTABLISHED BY THE GOVERNMENT OF CUYAHOGA COUNTY, AND DECLARING AN EMERGENCY

WHEREAS, the City of Brook Park recognizes that Cuyahoga County has created a Public Utility pursuant to its authority under the Constitution and Laws of the State of Ohio; and

WHEREAS, pursuant to a State Attorney General Legal Opinion (OPINION NO. 2021-015), Cuyahoga County requires that it obtain formal agreements with municipalities where it seeks to operate its Public Utility; and

WHEREAS, the County has great interest in developing energy microgrids in commercial, industrial and manufacturing districts which can utilize locally generated clean energy, on site battery storage and advanced technologies for resiliency; and

WHEREAS, the County has identified the City of Brook Park as a strong geographic location and partner to work with to develop a microgrid district within; and

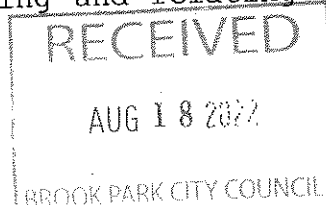
WHEREAS, the City of Brook Park has no current franchise agreement with any electrical distribution utility which would hinder or foreclose its ability to allow Cuyahoga County to operate its Utility in the City and therefore be able to offer competition to customers.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Brook Park, State of Ohio that:

SECTION 1: The City of Brook Park agrees to allow Cuyahoga County to operate a Public Utility in the City of Brook Park pursuant to its powers under the State of Ohio and the Laws established by the Government of Cuyahoga County.

SECTION 2: A copy of this Resolution is to be delivered to Mike Foley, Director Dept. of Sustainability - Cuyahoga County 2079 East 9th Street- Rm 8-304, Cleveland, Ohio 44115.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to this Resolution were



adopted 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 4:** This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of said City, and to allow Cuyahoga County to operate a Public Utility in the City of Brook Park; therefore, provided this Resolution receives the affirmative vote of at least (5) members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: September 6, 2022

M. J. K. Koubie  
PRESIDENT OF COUNCIL

ATTEST: Carol Johnson  
CLERK OF COUNCIL

APPROVED: Edith A. Burt  
MAYOR

9-6-22  
DATE

**CERTIFICATE**

Carol Johnson, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance / Resolution

No. 23-2022  
passed on the 6 day of September  
20 22 by said council.

Carol Johnson  
Clerk of Council

I, Carol Johnson, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at five of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing September 7, 2022  
Carol Johnson  
CAROL JOHNSON  
Clerk of Council

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coyne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poindexter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I HEREBY APPROVE THE WITHIN  
INSTRUMENT AS TO LEGAL FORM  
AND CORRECTNESS

[Signature]  
DIRECTOR OF LAW