

## AN ORDINANCE

### **AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTHEAST OHIO AREAWISE COORDINATING AGENCY AND TO GRANT A TEMPORARY, NON-EXCLUSIVE, REVOCABLE LICENSE FOR THE PURPOSE OF INSTALLING, OPERATING AND MAINTAINING TWO ELECTRIC VEHICLE CHARGING STATIONS ON A PORTION OF PERMANENT PARCEL NO. 364-11-026, OWNED BY THE CITY OF BREA, AND DECLARING AN EMERGENCY.**

**WHEREAS**, on August 5, 2021, President Biden signed an Executive Order that sets a new target to make half of all new vehicles sold in 2030 zero-emissions vehicles, including battery electric, plug-in hybrid electric, or fuel cell electric vehicles; and

**WHEREAS**, the Council of the City of Berea and the Administration support the target goals of President Biden's Order; and

**WHEREAS**, General Motors, Ford, Stellantis and the United Auto Workers of America have issued strong statements in support of the Executive Order; and

**WHEREAS**, as a result of the Executive Order, the federal government is providing billions of dollars in funding to shift to electric vehicles and away from gas-powered vehicles; and

**WHEREAS**, approximately 3% of all vehicles sold in the United States are electric vehicles, the numbers are steadily increasing and will continue to increase as additional funding is provided to auto manufacturers and ancillary industries; and

**WHEREAS**, the increased funding will result in the manufacturing of electric vehicles, which will, in turn, require the construction of charging stations; and

**WHEREAS**, the Northeast Ohio Areawide Coordinating Agency (NOACA) has been allocated federal funds and is contributing a portion of local funds for a project involving the planning, distribution and installation of DCFC and/or Level 2 Dual Port Electric Vehicle Charging Stations at multiple locations throughout Cuyahoga, Geauga, Lake, Lorain and Medina counties (hereinafter the "Project"), with said locations identified in Exhibit A, which is attached hereto and incorporated by reference; and

**WHEREAS**, the City of Berea owns Permanent Parcel No. 364-11-026, a portion of which was mutually identified by the City and NOACA as a desirable location to construct charging stations for electric vehicles, as designated in Exhibit B, which is attached hereto and incorporated by reference; and

**WHEREAS**, NOACA shall use the funding to pay for all eligible items at a rate of 100% participation to implement the Project as scoped, including all expenses associated with preliminary engineering, design, planning, construction and construction administration activities; and

**WHEREAS**, the City shall be responsible for maintenance and operation of the charging stations for a period not to exceed five years; and

**WHEREAS**, NOACA will provide consultant services to assist the City in determining the manner of operations, including fees for use of the charging stations; and

**WHEREAS**, the Council of the City of Berea wishes to enter into an agreement with NOACA to install, operate and maintain two charging stations.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Berea, State of Ohio:

**SECTION 1.** That subject to the terms and conditions of the Agreement, which is attached hereto as Exhibit C and incorporated herein, the City of Berea grants of a temporary, non-exclusive revocable License for the purpose of providing access to the site designated in Exhibit B, which is attached hereto and incorporated by reference.

**SECTION 2.** That the Mayor be and he is hereby authorized to execute an Agreement with the Northeast Ohio Areawide Coordinating Agency, in substantially the form which is attached to this Legislation as Exhibit C, and incorporated herein.

**SECTION 3.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of the Ordinance 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.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department and for the further reason that the public safety, welfare and health would be best served by the expedient use of federal funds for this energy-efficient project, which will provide public charging stations. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all 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:

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President of Council

ATTEST: \_\_\_\_\_

APPROVED:

Clerk of Council

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Mayor

Approved as to Form:

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Director of Law