

MINUTES  
Cuyahoga County Board of Control  
Cuyahoga County Administration Building  
4<sup>th</sup> Floor-Multipurpose Room  
Monday, December 12, 2011-11:00 p.m.

1. Call to Order

Meeting was called to order at 11:20 a.m.

2. Review and Approve Minutes

A motion was made by Bonnie Teeuwen, seconded by Michael Gallagher, to approve minutes as written.

3. Public Comment

There was no public comment.

4. Tabled Items for Review

There were no tabled items

5. New Items for Review

BC2011-138 Department of Public Works Submitting an amendment to Contract No. CE1000504-01 with Conserve First, LLC, for Owner's Representative services for the Fairgrounds Wind Turbine Project for the period 7/1/2010 - 12/31/2011 to extend the time period to 3/31/2012, to change the scope of services, effective 9/1/2011, and for additional funds in the amount not-to-exceed \$52,000.00.

Funding Source: 100% ARRA & EECBG grants

Motion to approve made by Michael Gallagher , Seconded by Pernel Jones Jr., Item Approved.

BC2011-139 Department of Development Recommending an economic development loan in the amount not-to-exceed \$485,468.00 to 1805 East Carson Street Corporation - Fat Head's Brewing, LP for facility infrastructure improvements, located at 18673 Sheldon Road, Middleburg Heights; requesting authority for the Director or Deputy Chief of Staff to execute all documents required in connection with said loan.

Funding Source: 100% Community Development Block Grant Funds from US Dept. of HUD

Motion to Approve by Wade Steen, Seconded by Michael Gallagher. Item Approved

BC2011-140 Department of Development Recommending an economic development loan in the amount not-to-exceed of \$480,000.00 to Stoneworks, Ltd. Inc. for facility infrastructure improvements, located at 26050 Richmond Road, Bedford; requesting authority for the Director or Deputy Chief of Staff to execute all documents required in connection with said loan.

Funding Source: 100% Community Development Block Grant Funds from US Dept. of HUD

Motion to Approve made by Wade Steen, Seconded by Dale Miller. Item Approved.

BC2011-141 Department of Health and Human Services Community Initiatives Division/Office of Early Childhood, submitting an amendment to Contract No. CE0900697-01 with Brooklyn City School District for Universal Pre-Kindergarten Program services for the Invest in Children Program for the Administrator's Office/Office of Early Childhood for the period 8/1/2009 - 7/31/2011 to extend the time period to 7/31/2012 and for additional funds in the amount not-to-exceed \$100,440.80.

Funding Source: 80.18% HHS Levy and 19.82% Private Grant dollars

Motion to approve made by Dale Miller. Seconded by Wade Steen. Item Approved.

BC2011-142 Department of Health and Human Service Community Initiatives Division/Office of Homeless Services, submitting a contract with Emerald Development and Economic Network, Inc. in the amount of \$432,600.00 for the Shelter Plus Care Sponsor-based Rental Assistance Program in connection with the FY2010 Continuum of Care for Homeless Assistance Grant Program for the period 12/1/2011 - 11/30/2012.

Funding Source: 100% US Dept. of HUD McKinney-Vente Homeless Assistant Grant

Motion to Approve by Pernel Jones Jr. , Seconded by Dale Miller. Item Approved.

BC2011-143 Department of Health and Human Services Employment & Family Services/Cuyahoga Support Enforcement Agency, submitting an amendment to Contract No. CE1100179-01 with Synovate, Inc. for a customer satisfaction tracking survey for the period 1/1/2011 - 12/31/2011 to extend the time period to 12/31/2012 and for additional funds in the amount of \$41,583.00.

Funding Source: 100% Public Assistance Funds

Motion to Approve Dale Miller , Seconded by Pernel Jones Jr., Item Approved.

BC2011-144 County Executive Submitting a contract with Normandy Group LLP, in the amount not-to-exceed \$118,750.00for federal legislative liaison services for the period 9/1/2011 - 12/31/2012.

Funding Source: 100% General Fund

Motion to approve made by Wade Steen, Seconded by Dale Miller, Item Approved.

BC2011-145 Office of Human Resources Office of Human Resources, submitting contracts with various providers for hearing officers for the Human Resource Commission. (Executive Approval No. 2011-0747 - authority to seek qualifications:)

1) each in the amount not-to-exceed \$23,000.00 for the period 12/30/2011 - 11/30/2012:

a) Komlavi Atsou

- b) Ronald C. Balbier
- c) Michael J. Gordillo, Gordillo & Gordillo, L.L.C.
- d) Anthony M. Stevenson
- e) Gregory P. Szuter
- f) Daniel G. Zeiser, of Daniel G. Zeiser Co., L.P.A.

Funding Source: 100% General Fund

Motion to Approve made by Dale Miller, Seconded by Pernel Jones, Jr., Item Approved.

BC2011-146 Department of Public Safety and Justice Affairs 1) Requesting an exemption from RFP/RFQ requirements to shorten the time of posting to 4 days in which to seek a replacement company for Midwest Medical for medical-related services at the Cuyahoga County Jail.

2) Requesting exemption from RFP/RFQ requirements to retain physicians currently employed by Midwest Medical to provide medical-related services at the Cuyahoga County Jail.

3) Requesting exemption from aggregation under section 3.5 of the Contracting and Purchasing Ordinance to enter into contracts with medical staff previously employed by Midwest Medical.

4) Requesting approval of a release of non-compete provisions for employees of Midwest Medical for \$150,000.

Funding Source: 100% General Fund

Motion to Approve made by Wade Steen , Seconded by Michael Gallagher, Item Approved.

BC2011-147 Prosecutor's Office 1) Submitting a sole source purchase request with West, a Thomson Reuters business ("West") for the purchase online legal research services.

2) Submitting a contract with West, a Thomson Reuters business ("West") in the amount not-to-exceed \$280,812.00 for online legal research for the period January 1, 2012 through December 31, 2014.

Motion to Approve made by Wade Steen, Seconded by Pernel Jones, Jr., Item Approved.

#### 6. Other Business

Wade Steen chaired the meeting, Ed FitzGerald was not present.

A.) Exemption from requirements of the Cuyahoga County Code of Ethics, Section 37 (A,B)

BC2011-148 Agency of the Inspector General **Department(s) impacted:** Workforce Development

**Description of exemption request:** Department of Workforce Development requesting exemption from ethics training and registration for all On-the-Job Training Program ("OJT Program") Contractors.

**Reasoning:** The OJT Program reimburses employers up to 50% of the hourly wage of an unemployed/displaced employee while the employee is provided occupational skills training in a new job. The OJT Program is funded entirely by Federal dollars issued pursuant to Section 663.700 of the Workforce Investment Act. The "contractors" under the OJT Program are employers that have agreed to hire unemployed or displaced workers in exchange for the wage supplements during the training period. Wage supplements are capped \$5,000 per employee (average payment is approximately \$2,000). Contractors/Employers are recruited by the Department of Workforce Development to participate in the program (i.e., Contractors/Employers do not typically solicit the Department to participate). Employer/Contractors are required to meet Federal requirements for participation in the program. The Department has already received an exemption from the procurement process for this program. Requiring the Contractors/Employers to submit to ethics training and registration may have a chilling effect on program participation, thus limiting placement options for the Department.

Motion to approve made by Dale Miller, Seconded by Wade Steen. Item Approved.

BC2011-149 Agency of the Inspector General **Department(s) impacted:** Development

**Description of exemption request:** Borrowers on development loans (homeowner rehabilitation, housing development, small business, and brownfield loans) issued by the Department of Development.

**Reasoning:** The Department of Development issues loans in four general areas - 1) homeowner rehabilitation; 2) housing development; 3) small business; and 4) brownfields. Depending on the nature of the project, these loans are funded with federal, state and/or general fund dollars. Borrowers are required to complete an application process and meet specified criteria for approval. Applications are approved by outside review committees (Jumpstart Review Committee, Community Improvement Corporation, and/or Housing Review Committee). The loan applications undergo a full underwriting process conducted by the Department of Development. The primary benefit of the program to Borrowers is the less stringent approval requirements associated with the Development loans. This gap-financing allows for more low-income individuals or non-traditional companies to secure financing for development, create jobs, and leverage private sector investment. Public financing exists to supplement private financing in order to increase the number of credit worthy development projects receiving the necessary funds to proceed. Repayment performance has been historically strong for all loan programs. Because these agreements are loan agreements and undergo a full underwriting process, it is the opinion of the Department and of the Inspector General that the Borrowers under these programs should be exempt from the training and registration requirements under the ethics ordinance.

Motion to Approve made by Wade Steen, Seconded by Dale Miller. Item Approved.

BC2011-150 Agency of Inspector General **Department(s) impacted:** Sheriff, Human Resources and Medical Examiner

**Description of exemption request:** Hospitals and physicians that provide medical treatment or services for the County. This exemption includes hospitals and physicians that treat jail

inmates, physicians that provide forensic services to the Medical Examiner's Office and physicians that perform fitness for duty evaluations for the Human Resources Department.

**Reasoning:** Ohio law requires applicants for medical licensure to demonstrate good moral character as identified through a rigorous assessment and background verification procedure. Each licensee is required to meet rigorous ethical standards of practice as determined by appropriate professional associations or accrediting bodies. The use of physicians and hospitals by the jail for inmates is dictated by the medical circumstances of the patient as determined on a case by case basis. The cost of all medical treatment provided to inmates is statutorily set at Medicaid Rates. Human Resources selects fitness for duty physicians on a rotating basis depending on the particular speciality that is applicable to the employee situation and the speed with which the physician can schedule the appointment. The Medical Examiner periodically contracts with physicians for expert opinions and testimony if necessary.

Motion to Approve made by Wade Steen, Seconded by Pernel Jones, Jr., Item Approved.

#### 7. Public Comment

There was no public comment

#### 8. Adjournment

Motion to Adjourn made by Pernel Jones Jr., Seconded by Bonnie Teeuwen. Meeting was adjourned at 11:50 a.m.