



AGENDA
CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, AUGUST 28, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
2:00 PM

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC COMMENT RELATED TO THE AGENDA

4. APPROVAL OF MINUTES

- a) August 14, 2012

5. MATTERS REFERRED TO COMMITTEE

- a) O2012-0011: An Ordinance establishing an Economic Development Fund for the purpose of collecting and expending proceeds from gross casino revenues, and declaring the necessity that this Ordinance become immediately effective.
- b) O2012-0005: An Ordinance prohibiting inquiries about or consideration of criminal convictions of applicants for Cuyahoga County employment positions until the applicant has been offered conditional employment; establishing the criterion under which criminal records may be considered; and establishing exceptions.

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

*In accordance with Ordinance No. O2011-0020, complimentary parking in the Huntington Park Garage will be available for the public **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



MINUTES

**CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING
TUESDAY, AUGUST 14, 2012
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
1:00 PM**

1. CALL TO ORDER

Due to the nature of the items referred to Committee, Council President Connally requested that Councilmember Greenspan preside over the meeting. Chairman Greenspan then called the meeting to order at 1:12 p.m.

2. ROLL CALL

Mr. Greenspan asked Deputy Clerk Barnhill to call the roll. Committee members Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones and Connally were in attendance and a quorum was determined.

3. PUBLIC COMMENT RELATED TO THE AGENDA

Mr. David Lambert, Chief of the Civil Division in the Office of the Prosecutor, addressed the Committee regarding issues of concern to him relating to Resolution No. R2012-0130.

The following addressed the Committee regarding issues of concern to them relating to Resolution No. R2012-0131:

- 1) The Honorable Nancy A. Fuerst, Administrative and Presiding Judge of the Court of Common Pleas,**
- 2) The Honorable Ronald B. Adrine, Administrative and Presiding Judge of the Cleveland Municipal Court and**
- 3) Mr. Nial Raaen, representing the National Center for State Courts**

4. APPROVAL OF MINUTES

- a) July 24, 2012

A motion was made by Mr. Schron, seconded by Ms. Connally and approved by unanimous vote to approve the minutes of the July 24, 2012 meeting.

5. MATTERS REFERRED TO COMMITTEE

Mr. Greenspan read a statement regarding the Charter Review process.

- a) R2012-0130: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 4, Section 1 and Article 5, Section 6 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

On a motion by Ms. Simon with a second by Mr. Germana, Resolution No. R2012-0130 was considered and approved by unanimous vote to be referred to the Charter Review Commission.

- b) R2012-0131: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 2, Section 2.03 and Article 3, Section 3.09 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

Mr. Brady requested his name be added to Resolution No. R2012-0131 as an additional sponsor.

On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2012-0131 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading.

- c) R2012-0132: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article 5, Section 1 and Article 5, Section 4 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective.

On a motion by Mr. Brady with a second by Mr. Schron, Resolution No. R2012-0134 was considered and approved by majority vote to be referred to the Charter Review Commission, with Committee member Simon casting a dissenting vote.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. OTHER PUBLIC COMMENT

No public comments were given.

8. ADJOURNMENT

With no further business to discuss and on a motion by Ms. Connally with a second by Mr. Gallagher, the meeting was adjourned by Chairman Greenspan at 2:06 p.m., without objection.

County Council of Cuyahoga County, Ohio

Ordinance No. O2012-0011

| | |
|--|--|
| Sponsored by: County Executive FitzGerald/Department of Development | An Ordinance establishing an Economic Development Fund for the purpose of collecting and expending proceeds from gross casino revenues, and declaring the necessity that this Ordinance become immediately effective. |
|--|--|

WHEREAS, Section 7.01 of the Charter, County Economic Development, declares that the County shall have as a primary responsibility the promotion and enhancement of the economic well-being and prosperity of the County and all of its residents of the County; and

WHEREAS, Section 7.01 of the Charter of Cuyahoga provides:

The County shall have as a primary responsibility the promotion and enhancement of the economic well-being and prosperity of the County and all of its residents. In furtherance of that purpose, the County shall, as authorized by the Constitution of Ohio, general law, and this Charter and enactments pursuant thereto, develop and implement policies, programs and activities for the expansion and enhancement of economic activity in the County so as to create and preserve jobs and employment opportunities for and available to residents of the County; and

WHEREAS, the County Executive and County Council seek to promote and enhance the economic well-being and prosperity of the County and all of its residents; and

WHEREAS, Section 7.02 of the Charter of Cuyahoga provides:

There shall be a Department of Development, under the direction of the Director of Development, which shall develop, direct and implement programs and activities for carrying out the purposes of this Article VII. The Department of Development shall coordinate the programs and activities of the officers, departments, agencies, boards and commissions of the County that relate to economic development, including identification ...of the causes of unemployment and economic underdevelopment among segments of the population and within communities in the County and the development of programs and activities to remedy such conditions; and

WHEREAS, the State of Ohio Constitution was amended on November 3, 2009 to adopt Section 6, Article XV of the Constitution of the State of Ohio to allow for the operation of four casinos in the state by initiative petition; and

WHEREAS, the Constitution of the State of Ohio levies a fixed tax on gross casino revenue and distributes that tax revenue according to a formula to the benefit of Ohio's counties, cities, school districts, and other funds and commissions; and

WHEREAS, the County Commissioners Association of Ohio estimates that Cuyahoga County will receive \$8.5 million to \$11.5 million in proceeds from gross casino revenue; and

WHEREAS, the County Council adopted the Five Year Economic Development Plan, which emphasizes place-based economic development, urban revitalization and the importance of connecting Cuyahoga County's economic development assets and attractions for the benefit of the region; and

WHEREAS, advocates for the constitutional amendment emphasized downtown revitalization, spurring private investment, job creation and economic impact as arguments for casino operation in the state; and

WHEREAS, downtown Cleveland is the region's most densely populated jobs center and the site of more than \$5 billion in economic development projects already underway; and

WHEREAS, the Cuyahoga County Council and County Executive are committed to the economic vibrancy of the region, and seek to allocate proceeds from gross casino revenue to maximize the impact of economic development projects already underway; and

WHEREAS, the Cuyahoga County Council and County Executive established a \$100 million economic development fund for investments without geographical limitations throughout the entire county and the majority of approved investments have been located outside Cleveland's downtown; and

WHEREAS, the county's economic development programs leverage private dollars, attract investment and expand the tax base by incentivizing preferred development, improving public infrastructure and creating an environment for job creation and job growth for residents countywide; and

WHEREAS, the Cuyahoga County Council and County Executive are committed to the economic vibrancy of the region and seek to allocate proceeds from gross casino revenue to maximize the impact of core city economic development projects already underway; and

WHEREAS, it is necessary that this Ordinance become immediately effective due to legislative efforts underway in Ohio's State Legislature to direct counties on the manner and means by which counties may expend proceeds from gross casino revenue.

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

SECTION 1. The Fiscal Officer is hereby directed to immediately establish a separate fund for the purpose of collecting and expending proceeds from the gross casino revenues in Cuyahoga County (the "Fund"). All such proceeds and revenues shall be automatically directed and deposited into the Fund and shall only be used for the purposes authorized in Section 2 herein.

SECTION 2. The revenues contained in the Fund are hereby dedicated to be used by the Department of Development for an economic development program whose purpose shall be to promote economic development in Cleveland's Downtown District, generally defined as the area bordered by Lake Erie, the Innerbelt Bridge, East 25th Street and West 25th Street.

SECTION 3. It is necessary that this Ordinance become immediately effective due to legislative efforts underway in Ohio's State Legislature to direct counties on the manner and means by which counties may expend proceeds from gross casino revenue; therefore, this Ordinance, provided it receives the affirmative vote of eight members of Council, shall become effective immediately upon the signature of the County Executive.

SECTION 4. 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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: May 8, 2012

Committee(s) Assigned: Committee of the Whole

Journal _____
_____, 2012

County Council of Cuyahoga County, Ohio

Ordinance No. O2012-0005

| | |
|--|--|
| Sponsored by: Councilmembers Connally, Rogers, Miller, Jones, Brady and Conwell | An Ordinance prohibiting inquiries about or consideration of criminal convictions of applicants for Cuyahoga County employment positions until the applicant has been offered conditional employment; establishing the criterion under which criminal records may be considered; and establishing exceptions. |
|--|--|

WHEREAS, Cuyahoga County has promoted numerous re-entry initiatives, designed to encourage the successful reintegration of formerly incarcerated persons back into the community; and

WHEREAS, numerous local, state and national studies have indicated that the removal of collateral consequences, including removing barriers to employment are among the most significant factors leading to successful reintegration; and

WHEREAS, the Ohio Department of Rehabilitation and Correction is encouraging employers, including governments, to evaluate and reform hiring practices, with the purpose of ensuring that applicants are considered on the basis of qualifications and abilities, and not eliminated solely on the basis of criminal history; and

WHEREAS, prohibiting inquiries about criminal background on the Cuyahoga County job application, unless otherwise required by law; and prohibiting inquiries about criminal background until the time of conditional offer of employment; and establishing the criteria under which criminal backgrounds may be considered promotes the fair consideration of all applicants for employment and contributes to the County's reentry efforts; and

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

SECTION 1. Removal of Criminal Background Question from Employment Application and During Initial Screening/Interview Process.

- (a) Cuyahoga County may not ask about criminal background on applications for County employment, whether on-line or on paper.

- (b) Cuyahoga County may not inquire into the criminal background of any applicant for employment, until such time as the applicant has been offered conditional employment.
- (c) Cuyahoga County will include a disclaimer on all job applications indicating that conviction of some misdemeanors and felonies may preclude applicants from serving in some county positions and all job openings will require a background check at the time of conditional offers of employment.

SECTION 2. Conditions Under Which the County May Consider Criminal History When Making Employment Determinations.

- (a) The County may inquire into and consider the criminal history of an applicant for employment:
 - 1. When required by law to use such criteria in making a hiring decision.
 - 2. At the time of or once the applicant has been offered conditional employment.
- (b) When the County inquires into and considers the criminal history of a candidate under Section 2(a)2, the County will apply the nexus test for each position as required by law, including, but not limited to, considering the following criteria:
 - 1. The nature of the offense for which the applicant was convicted
 - 2. The length of time that has passed since the conviction occurred.
 - 3. The relationship of the conviction to the duties and responsibilities of the position for which the candidate is being considered for employment.
 - 4. Any positive changes demonstrated since the conviction.

SECTION 3. Exceptions.

The provisions of Section 1 above shall not apply if the inquiries or actions are specifically related to the consideration of applicants for positions as Deputy Sheriffs and Regional Enterprise Data Sharing System (REDSS) Staff.

SECTION 4. Instructions to the Department of Human Resources.

The Department of Human Resources shall make whatever changes are necessary to existing human resource policies and practices to ensure compliance with this Ordinance by all departments, agencies, offices, boards and commissions under the direction of the County Executive or County Council.

