



**AGENDA
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, AUGUST 9, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. SILENT MEDITATION**
- 5. PUBLIC COMMENT RELATED TO AGENDA**
- 6. APPROVAL OF MINUTES**
 - a) July 26, 2011 Meeting
- 7. MESSAGES FROM THE COUNTY EXECUTIVE**
- 8. CONSIDERATION OF A MOTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**
 - a) M2011-0042: A Motion appointing individuals to serve on the Cuyahoga County Soldiers' & Sailors' Monument Board of Trustees, and declaring the necessity that this Motion become immediately effective.
 - 1) William Scholle
 - 2) Michael Sliwinski
 - 3) Ivy Washington-Marshall
 - 4) Michael Winston

Sponsor: Council President Connally

9. CONSIDERATION OF A MOTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) M2011-0041: A Motion confirming the County Executive's appointment of Paul Jurcisin to serve on the Cuyahoga County Corrections Planning Board, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

10. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

- a) O2011-0040: An Ordinance amending Ordinance No. O2011-0024 dated 5/10/2011, which amended previous Board of County Commissioners Resolutions establishing charges payable for connection to the County's water and sewer supply facilities in County Sewer District No. 14 for the period 12/30/2010 - 12/29/2011 and County Council Ordinance No. O2011-0007; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

11. CONSIDERATION OF ORDINANCES OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2011-0036: An Ordinance approving a Biennial Operating Budget and Capital Improvements Program, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Miller, Schron, Conwell and Brady

- b) O2011-0039: An Ordinance establishing procedures governing the use by the County of alternate construction project delivery methods, including construction manager-at-risk, design-build and general contracting project delivery methods for public construction projects; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Schron and County Executive FitzGerald

12. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

- a) R2011-0243: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

- b) R2011-0244: A Resolution authorizing awards on RQ19761 to various appraisers, each in the amount of \$48,000.00, for 2012 sexennial reappraisal and annual maintenance for the period 8/15/2011 - 12/31/2012; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective:

- 1) William J. Barnes
- 2) Ruth Lassiter
- 3) Nancy A. Price
- 4) Anthony Gober
- 5) Erin Kovacic

Sponsor: County Executive FitzGerald/Fiscal Officer

- c) R2011-0245: A Resolution proclaiming the month of August 2011 as Child Support Awareness Month in Cuyahoga County: Love and Support Complete the Child, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Cuyahoga Support Enforcement Agency

13. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES/EXECUTIVE SESSION

- a) R2011-0246: A Resolution authorizing the County Executive to enter into a Mutually Agreed to Dispute Settlement Procedure with American Federation of State, County and Municipal Employees (AFSCME), Ohio Council 8 and Local 1746, AFL-CIO to extend the parties collective bargaining agreement through 10/31/2011 and for successive 10-day periods thereafter unless either the County or AFSCME terminates said

contract extension by providing at least 5-days advanced notice in writing; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Law

14. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2011-0247: A Resolution declaring that public convenience and welfare requires repair and resurfacing of Madison Avenue from Riverside Drive to West 117th Street in the City of Lakewood; total estimated construction cost \$2,600,000.00; and authorizing the County Executive to enter into an agreement of cooperation with City of Lakewood in connection with said project.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

- b) R2011-0248: A Resolution authorizing the County Executive to enter into an agreement in an amount equal to the approved appraisal fair market value estimate of \$53,710.00 for settlement of property rights in connection with replacement of Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and Village of Linndale for Parcel Nos. 3S (Permanent Sewer Easement) and 3T (Temporary Easement), and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

- c) R2011-0249: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$200.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 123T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

- d) R2011-0250: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$8,600.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East

Corporation Line in the City of Solon for Parcel No. 58T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

- e) R2011-0251: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$250.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 75T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

- f) R2011-0252: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$590.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 59T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

- g) R2011-0253: A Resolution authorizing the County Executive to enter into Real Estate Agreement No. 24475 with Ohio Department of Transportation in the amount of \$200,000.00 for partial reimbursement of right-of-way acquisition costs in connection with reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

- h) R2011-0254: A Resolution establishing charges payable for connection to the County's sanitary sewerage system in a portion of County Sewer District No. 13 in the City of Brecksville; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

- i) R2011-0255: A Resolution establishing a capital cost surcharge for construction of a pump station and sanitary sewer lines in Echo Hills Subdivision, located in County Sewer District No. 13, in the City of Brecksville; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

- j) R2011-0256: A Resolution authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not-to-exceed \$6,000,000.00 for Puritas Avenue Associates, L.P. for the purpose of rehabilitating, improving and equipping a housing facility for low and moderate income families; authorizing the execution and delivery of a loan agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Bond Counsel: Squire, Sanders & Dempsey, L.L.P.

- k) R2011-0257: A Resolution authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not-to-exceed \$5,000,000.00 for Helen S. Brown Apartments, L.P. for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a loan agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Bond Counsel: Roetzel & Andress LPA

- l) R2011-0258: A Resolution authorizing an award on RQ20109 to Tri Mor Corporation in the amount of \$820,360.00 for the Year Two Pavement Maintenance Program: Apron A1, B reconstruction and Apron A2, C, D1 rehabilitation for the period 8/9/2011 - 6/6/2012; authorizing the County Executive to enter into a contract consistent with said award;

and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development/
County Airport

m) R2011-0259: A Resolution authorizing awards on RQ19868 to various providers for the Cuyahoga County Fatherhood Initiative for the period 7/1/2011 - 6/30/2012; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective:

- 1) Career Development and Placement Strategies Inc. in the amount of \$105,000.00.
- 2) Center for Families and Children in the amount of \$96,000.00.
- 3) Cuyahoga County District Board of Health in the amount of \$95,000.00.
- 4) Domestic Violence Center in the amount of \$95,000.00.
- 5) JDC Advertising in the amount of \$80,000.00.
- 6) The MetroHealth System in the amount of \$48,000.00.
- 7) Nueva Luz Urban Resource Center in the amount of \$45,000.00.
- 8) Passages Connecting Fathers and Sons, Inc. in the amount of \$105,000.00.
- 9) United Way of Greater Cleveland in the amount of \$14,000.00.
- 10) University Settlement, Incorporated in the amount of \$56,000.00.
- 11) Murtis Taylor Human Services System in the amount of \$66,000.00.
- 12) Cuyahoga County Office of Mediation in the amount of \$41,000.00.

Sponsor: County Executive FitzGerald/Department of Health and
Human Services

n) R2011-0260: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for placement services for the period 1/1/2011 - 9/30/2011 for additional funds, and declaring the necessity that this Resolution become immediately effective:

- 1) No. CE1100006-01 with Applewood Centers, Inc. in the amount of \$242,000.00.
- 2) No. CE1100010-03 with Catholic Charities Services Corporation (Parmadale) in the amount of \$300,000.00.
- 3) No. CE1100017-01 with House of New Hope in the amount not-to-exceed \$223,479.00.

- 4) No. CE1100020-01 with Parenthesis Family Advocates, Incorporated in the amount not-to-exceed \$82,380.00.
- 5) No. CE1100016-01 with The Twelve of Ohio, Inc. in the amount not-to-exceed \$249,362.00.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Department of Children & Family Services

- o) R2011-0261: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for placement services for the period 1/1/2011 - 9/30/2011 for additional funds, and declaring the necessity that this Resolution become immediately effective:
 - 1) No. CE1100001-01 with Alliance Human Services, Inc. in the amount of \$405,000.00.
 - 2) No. CE1100023-01 with National Youth Advocate Program, Inc. in the amount of \$550,000.00.
 - 3) No. CE1100012-01 with Options for Families and Youth in the amount of \$275,000.00.
 - 4) No. CE1100025-01 with START: Support To At-Risk Teens in the amount of \$465,000.00.
 - 5) No. CE1100015-01 with The Bair Foundation in the amount of \$341,846.00.

Sponsor: County Executive FitzGerald/ Department of Health and Human Services/Department of Children & Family Services

15. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

- a) R2011-0238: A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland Heights in the amount not-to-exceed \$512,500.00 for lead hazard remediation for the period 7/1/2011 - 7/31/2014, and declaring the necessity that this Resolution become immediately effective. (Pending Committee Recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignments and Chairs: Economic Development & Planning – Schron and Environment & Sustainability – Rogers

- b) R2011-0239: A Resolution authorizing awards to various municipalities, in the total amount of \$1,150,000.00, for various municipal grant projects for the Neighborhood Stabilization Program for the period

7/12/2011 - 1/11/2013; and authorizing the County Executive to enter into agreements consistent with said awards: (Pending Committee Recommendation.)

- 1) City of Bedford in the amount of \$150,000.00.
- 2) City of Cleveland Heights in the amount of \$250,000.00.
- 3) City of Lakewood in the amount of \$250,000.00.
- 4) City of Shaker Heights in the amount of \$250,000.00.
- 5) Village of Newburgh Heights in the amount of \$250,000.00.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning
– Schron

- c) R2011-0240: A Resolution authorizing awards to various municipalities, in the total amount of \$2,109,532.00, for various municipal grant projects for the Community Development Block Grant Program for the period 7/1/2011 - 12/31/2012; and authorizing the County Executive to enter into agreements consistent with said awards: (Pending Committee Recommendation.)

- 1) City of Maple Heights for the Broadway Avenue Reconstruction Project in the amount of \$500,000.00.
- 2) City of North Olmsted for the County Club Boulevard Streetscape Project in the amount of \$350,000.00.
- 3) Village of Oakwood for the Richmond-Broadway Intersection Realignment Project in the amount of \$350,000.00.
- 4) City of Parma Heights for the Ackley Boulevard Reconstruction Project Phase 2 in the amount of \$150,000.00.
- 5) City of Bedford for the Historic Bedford Automobile Enhancement Project in the amount of \$150,000.00.
- 6) City of Shaker Heights for the Gridley Triangle Park Improvements Project in the amount of \$120,000.00.
- 7) City of Bay Village for the Senior Center ADA Improvements Project in the amount of \$49,900.00.
- 8) City of Brooklyn for the Removing Barriers to Limited Mobility Seniors and Handicapped Individuals Project in the amount of \$93,312.00.
- 9) City of Berea for the Polish Village Neighborhood Improvement Project Phase 2 in the amount of \$150,000.00.
- 10) Village of Woodmere for the Police and Fire Department Building and Site Improvement Project in the amount of \$136,320.00.
- 11) Village of Newburgh Heights for a Comprehensive Community Development Plan Update in the amount of \$30,000.00.

12) City of Fairview Park for a Master Plan Update in the amount of \$30,000.00.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning
– Schron

- d) R2011-0241: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000585-01 with United Labor Agency, Inc. for Employment Connection employer services for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012 and for additional funds in the amount of \$1,272,000.00, and declaring the necessity that this Resolution become immediately effective. (Pending Committee Recommendation.)

Sponsor: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board

Committee Assignment and Chair: Economic Development & Planning
– Schron

- e) R2011-0242: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for Employment Connection One-Stop operation and services to adult job seekers for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012 and for additional funds, and declaring the necessity that this Resolution become immediately effective: (Pending Committee Recommendation.)

- 1) No. CE1000589-01 with Mature Services, Incorporated in the amount not-to-exceed \$101,825.00.
- 2) No. CE1000590-01 with Towards Employment, Incorporated in the amount not-to-exceed \$250,000.00.
- 3) No. CE1000591-01 with United Labor Agency, Inc. in the amount not-to-exceed \$2,028,000.00.

Sponsor: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board

Committee Assignment and Chair: Economic Development & Planning
– Schron

16. CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2011-0037: An Ordinance establishing the Department of Public Safety and Justice Services and amending Ordinance No. O2011-0027 to remove the Animal Shelter from the Department of Public Works and place it in the Department of Public Safety and Justice Services, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald

- b) O2011-0038: An Ordinance providing for the adoption of various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Human Resource Commission

17. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

- a) O2011-0033: An Ordinance establishing procedures for authorization of settlement of litigation by or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities, and amending Ordinance No. O2011-0030 to harmonize it with the provisions of this Ordinance; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Law and Council President Connally

Committee Assignment and Chair: Justice Affairs – Simon

18. MISCELLANEOUS COMMITTEE REPORTS

19. MISCELLANEOUS BUSINESS

20. PUBLIC COMMENT UNRELATED TO AGENDA

21. ADJOURNMENT

NEXT MEETINGS

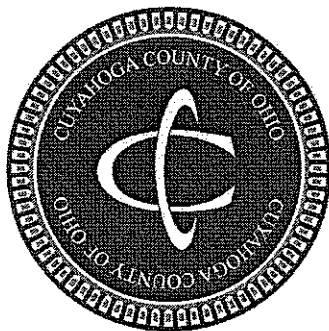
WORK SESSION:

TUESDAY, AUGUST 23, 2011
4:00 PM / COUNCIL CHAMBERS

REGULAR MEETING:

TUESDAY, AUGUST 23, 2011
6:00 PM / COUNCIL CHAMBERS

*In accordance with Ordinance No. O2011-0020, complimentary parking for the public will be available **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 COUNCIL REGULAR MEETING
TUESDAY, JULY 26, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 6:04 p.m.

2. ROLL CALL

Council President Connally asked the Clerk to call the roll. Councilmembers Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell and Connally were in attendance and a quorum was determined.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally asked that a moment of silent meditation be dedicated in honor of Robin Laine, Magistrate of the Cleveland Municipal Court for over 30 years, who recently passed away. Council President Connally then called on Mr. Jones who asked that a moment of silent meditation be dedicated in honor of Olivia Gibson, mother of Cleveland City Councilmember Mamie Mitchell, who also recently passed away.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

- a) July 12, 2011 Meeting

A motion was made by Ms. Conwell, seconded by Ms. Simon and approved by unanimous vote to approve the minutes of the July 12, 2011 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) **Numerous calls were received due to flooding. The County's Emergency Management Agency and the Department of Public Works will be active in assisting residents;**
- b) **There will be more data available in August in terms of where revenues are for the first half of the year for the County. This data will be presented to all bargaining units and Councilmembers in August;**
- c) **A Town Hall Meeting will be held in Ms. Conwell's district at the Natural History Museum on Thursday, July 28, 2011 at 7:00 p.m. The next Town Hall Meeting will take place in Mr. Miller's District.**

Council President Connally then reported that today's meeting is the first to be broadcast via livestream on the Cuyahoga County Council website. The County Council is now on Facebook and Twitter for those wishing to receive updates. Free Wi-Fi is also available in Council Chambers and free parking is available to the public to attend evening meetings. All of this is being done in an effort to make the meetings more accessible to the public. A Transparency Summit is will be held on Friday, July 29th and Saturday, July 30th at Cleveland State University and attendance by the public is encouraged.

8. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion No. M2011-0039.

- a) M2011-0039: A Motion confirming the County Executive's appointment of Lawrence Benders to serve on the Cleveland/Cuyahoga County Workforce Investment Board, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

On a motion by Mr. Schron with a second by Ms. Conwell, Motion No. M2011-0039 was considered and approved by unanimous vote.

9. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING
ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Ordinance No. O2011-0035.

- a) O2011-0035: An Ordinance amending Ordinance No. O2011-0023, which ~~adopted~~ amended the permanent Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Councilmember Greenspan

A motion was made by Mr. Greenspan, seconded by Mr. Schron and approved by unanimous vote to consider substitute Ordinance No. O2011-0035.

On a motion by Mr. Miller with a second by Mr. Rogers, substitute Ordinance No. O2011-0035 was considered and adopted by unanimous vote.

10. CONSIDERATION OF ORDINANCES OF COUNCIL FOR FIRST READING AND
REFERRAL TO COMMITTEE

- a) O2011-0031: An Ordinance providing for the adoption of a campaign finance policy for Cuyahoga County.

Sponsor: Councilmember Greenspan

Council President Connally referred Ordinance No. O2011-0031 to the Rules, Charter Review, Ethics & Council Operations Committee.

- b) O2011-0032: An Ordinance establishing guidelines under which Council is to consider and approve subsidies to boards, commissions, agencies, corporations, and other entities or authorities over which the County Council does not have direct, immediate oversight of daily, operational management decisions.

Sponsor: Councilmember Greenspan

Council President Connally referred Ordinance No. O2011-0032 to the Finance & Budgeting Committee and to the Rules, Charter Review, Ethics & Council Operations Committee.

11. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2011-0235 and R2011-0236.

- a) R2011-0235: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

On a motion by Mr. Miller with a second by Mr. Rogers, Resolution No. R2011-0235 was considered and adopted by unanimous vote.

- b) R2011-0236: A Resolution amending Resolution No. R2011-0201 dated 6/28/2011, which authorized the County Executive to enter into an agreement with Cuyahoga County District Board of Health in the amount not-to-exceed \$5,000.00 for the period 8/1/2008 - 9/30/2012, by changing the scope of services to assessment of playgrounds located in East Cleveland and to conduct health monitoring activities in connection with the U S. Environmental Protection Agency Brownfields Assessment Grants; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0236 was considered and adopted by unanimous vote.

12. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES/EXECUTIVE SESSION

[Note: Item No. 12 was taken out of order after Item No. 19 on the agenda.]

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2011-0237.

- a) R2011-0237: A Resolution rejecting the report containing findings and recommendations of Fact-finder Burt W. Griffin on open issues in negotiations between the County and the Ohio Patrolmen's Benevolent Association, for a first collective bargaining agreement covering four employees in the classification of Lieutenant in the Sheriff's Department, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/County Sheriff

A motion was made by Mr. Miller, seconded by Ms. Simon and approved by unanimous vote to move to Executive Session for the purpose of discussing with the Law Director matters concerning findings of a Fact-finder, and for no other purpose whatsoever. Executive Session was then called to order by Council President Connally at 7:25 p.m. The following members were present: Councilmembers Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell and Connally. The following additional attendees were present: County Executive Ed FitzGerald, Clerk of Council Jeanne Schmotzer, Law Director Majeed Makhoulf, Assistant Law Director Christopher Russ, Director of Human Resources Elise Hara, Special Assistant to the County Executive Bob Ivory and Deputy Clerk of Council Nikima Barnhill. At 7:52 p.m., a motion was made by Mr. Miller, seconded by Mr. Greenspan and unanimously approved to adjourn Executive Session. Council President Connally then reconvened the regular meeting at 7:55 p.m.

A motion was then made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to amend Resolution No. R2011-0237 to state "rejecting" the Fact-finder report.

On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2011-0237 was considered and adopted by unanimous vote, as amended on the floor.

13. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

R2011-0238: A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland Heights in the amount not-to-exceed \$512,500.00 for lead hazard remediation for the period 7/1/2011-7/31/2014, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2011-0238 to the Economic Development & Planning Committee and to the Environment & Sustainability Committee.

- a) R2011-0239: A Resolution authorizing awards to various municipalities, in the total amount of \$1,150,000.00, for various municipal grant projects for the Neighborhood Stabilization Program for the period 7/12/2011 - 1/11/2013; authorizing the County Executive to enter into agreements consistent with said awards:
- 1) City of Bedford in the amount of \$150,000.00.
 - 2) City of Cleveland Heights in the amount of \$250,000.00.
 - 3) City of Lakewood in the amount of \$250,000.00.
 - 4) City of Shaker Heights in the amount of \$250,000.00.
 - 5) Village of Newburgh Heights in the amount of \$250,000.00.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2011-0239 to the Economic Development & Planning Committee.

- b) R2011-0240: A Resolution authorizing awards to various municipalities, in the total amount of \$2,109,532.00, for various municipal grant projects for the Community Development Block Grant Program for the period 7/1/2011 - 12/31/2012; authorizing the County Executive to enter into agreements consistent with said awards:
- 1) City of Maple Heights for the Broadway Avenue Reconstruction Project in the amount of \$500,000.00.
 - 2) City of North Olmsted for the County Club Boulevard Streetscape Project in the amount of \$350,000.00.
 - 3) Village of Oakwood for the Richmond-Broadway Intersection Realignment Project in the amount of \$350,000.00.
 - 4) City of Parma Heights for the Ackley Boulevard Reconstruction Project Phase 2 in the amount of \$150,000.00.
 - 5) City of Bedford for the Historic Bedford Automobile Enhancement Project in the amount of \$150,000.00.
 - 6) City of Shaker Heights for the Gridley Triangle Park Improvements Project in the amount of \$120,000.00.
 - 7) City of Bay Village for the Senior Center ADA Improvements Project in the amount of \$49,900.00.
 - 8) City of Brooklyn for the Removing Barriers to Limited Mobility Seniors and Handicapped Individuals Project in the amount of \$93,312.00.

- 9) City of Berea for the Polish Village Neighborhood Improvement Project Phase 2 in the amount of \$150,000.00.
- 10) Village of Woodmere for the Police and Fire Department Building and Site Improvement Project in the amount of \$136,320 00.
- 11) Village of Newburgh Heights for a Comprehensive Community Development Plan Update in the amount of \$30,000.00.
- 12) City of Fairview Park for a Master Plan Update in the amount of \$30,000 00.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2011-0240 to the Economic Development & Planning Committee.

- c) R2011-0241: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000585-01 with United Labor Agency, Inc. for Employment Connection employer services for the period 7/1/2010–6/30/2011 to extend the time period to 6/30/2012 and for additional funds in the amount of \$1,272,000.00, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board

Council President Connally referred Resolution No. R2011-0241 to the Economic Development & Planning Committee.

- d) R2011-0242: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for Employment Connection One-Stop operation and services to adult job seekers for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012 **and for additional funds**; and declaring the necessity that this Resolution become immediately effective:
- 1) No. CE1000589-01 with Mature Services, Incorporated in the amount not-to-exceed \$101,825.00.
 - 2) No. CE1000590-01 with Towards Employment, Incorporated in the amount not-to-exceed \$250,000.00.
 - 3) No. CE1000591-01 with United Labor Agency, Inc. in the amount not-to-exceed \$2,028,000.00.

Sponsor: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board

Council President Connally referred Resolution No. R2011-0242 to the Economic Development & Planning Committee.

14. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2011-0215, R2011-0216, R2011-0217, R2011-0223, R2011-0224, R2011-0225, R2011-0226, R2011-0227, R2011-0228, R2011-0229, R2011-0230, R2011-0231, R2011-0232, R2011-0233 and R2011-0234.

- a) R2011-0215: A Resolution authorizing the County Executive to enter into an amendment to Agreement No. AG1000313-02, 03 with City of Euclid for the HOME Rehabilitation and Resale of Single-Family Homes Program for the period 10/1/2010 - 12/31/2012 to change the terms, effective 4/1/2011, and for additional funds in the amount of \$105,966 00; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning
– Schron

On a motion by Mr. Schron with a second by Mr. Rogers, Resolution No. R2011-0215 was considered and adopted by unanimous vote.

- b) R2011-0216: A Resolution authorizing awards on RQ20209 to Alabasi Construction Incorporated in the amount of \$1,466,661.00 and to Scharton Electric Company, Inc. in the amount of \$106,970.00 for heating unit replacement and associated energy conservation activities at the Westerly Apartments, located at 14300 Detroit Avenue, Lakewood, in connection with the Home Weatherization Assistance Program for the period 8/1/2011 - 11/30/2011; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective. (Executive Approval No EA2011-0474 - authority to seek proposals)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning
– Schron

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0216 was considered and adopted by unanimous vote.

- c) R2011-0217: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management

Committee Assignments and Chairs: Finance & Budgeting – Miller;
Health, Human Services & Aging – Brady and Justice Affairs – Simon

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2011-0217 was considered and adopted by unanimous vote.

- d) R2011-0223: A Resolution declaring that public convenience and welfare requires resurfacing of Taylor Road from Euclid Avenue to the East Cleveland South Corporation Line in the City of East Cleveland; total estimated construction cost \$1,375,000.00; finding that special assessments are not to be levied and collected to pay for any part of the County's costs of said improvement; and authorizing the County Executive to enter into an agreement of cooperation with City of East Cleveland in connection with said project.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer and **Councilmember Rogers**

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

On a motion by Mr. Rogers with a second by Mr. Jones, Resolution No. R2011-0223 was considered and adopted by unanimous vote.

- e) R2011-0224: A Resolution authorizing the County Executive to enter into an agreement of cooperation with Village of Bratenahl for replacement of Lakeshore Boulevard Bridge No. 188.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer and **Councilmember Rogers**

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

On a motion by Mr. Rogers with a second by Mr. Jones, Resolution No. R2011-0224 was considered and adopted by unanimous vote.

- f) R2011-0225: A Resolution authorizing the County Executive to enter into a Local Public Agency agreement with Ohio Department of Transportation for local replacement and rehabilitation of the following bridges: Miles Road Bridge over Chagrin River in the City of Bentleyville, Monticello Boulevard Bridge over the West Branch of Euclid Creek in the City of South Euclid, Hilliard Road Bridge over Rocky River in the City of Lakewood and Cedar Point Road Bridge over Rocky River in the City of North Olmsted; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0225 was considered and adopted by unanimous vote.

- g) R2011-0226: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$150.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 113T, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2011-0226 was considered and adopted by unanimous vote.

- h) R2011-0227: A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$310.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East

Corporation Line in the City of Solon for Parcel No. 129T, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer

Committee Assignment and Chair: Public Works, Procurement &
Contracting – Jones

On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2011-0227 was considered and adopted by unanimous vote.

- i) R2011-0228: A Resolution authorizing an award on RQ19570 to Town Center Construction, LLC, in the amount of \$360,900.00 for construction of an Energy Center at the Cuyahoga County Fairgrounds in connection with the Fairgrounds Wind Turbine Project; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works and
Councilmember Rogers

Committee Assignments and Chairs: Committee Assignments and
Chairs: Economic Development & Planning – Schron and Environment
& Sustainability – Rogers

Council President Connally withdrew the referral of this item to the Environment & Sustainability Committee.

On a motion by Mr. Schron with a second by Mr. Rogers, Resolution No. R2011-0228 was considered and adopted by unanimous vote.

- j) R2011-0229: A Resolution amending Resolution No. R2011-0034 dated 1/25/2011, which authorized an economic development loan in the amount not-to-exceed \$800,000.00 for construction of a facility to be located on Cornell Road, Cleveland, to change the name of the borrower from SDC University Circle Developer LLC to SDC University Circle LL LLC; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning –
Schron

On a motion by Ms. Conwell with a second by Mr. Rogers, Resolution No. R2011-0229 was considered and adopted by unanimous vote.

- k) R2011-0230: A Resolution authorizing a Brownfields Redevelopment Fund loan in the amount not-to-exceed \$1,000,000.00 to Miceli-Lograsso Development III LLC for a Phase II Expansion Project, located at 2800 East 90th Street, Cleveland; authorizing the Director or Deputy Chief of Staff to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development and Councilmember Jones

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0230 was considered and adopted by unanimous vote.

- l) R2011-0231: A Resolution authorizing the County Executive to enter into a contract with Toshiba Business Solutions - OH in the amount not-to-exceed \$4,000,000.00 for Countywide enterprise digital and print management services using "green" friendly technology for the period 7/1/2011 - 6/30/2016, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Information Services Center

Committee Assignment and Chair: Finance & Budgeting - Miller

A motion was made by Mr. Miller, seconded by Mr. Rogers and approved by unanimous vote to amend Resolution No. R2011-0231 to change the name of the company from "Toshiba Business Solutions – OH" to "Toshiba Business Solutions, (USA), Inc."

On a motion by Mr. Miller with a second by Mr. Jones, Resolution No. R2011-0231 was considered and adopted by unanimous vote, as amended on the floor.

- m) R2011-0232: A Resolution authorizing the County Executive/Office of Procurement & Diversity to participate in the Ohio Department of Transportation Cooperative Purchasing Program for the period 5/1/2011 - 4/30/2013, in accordance with Ohio Revised Code Section 5513.01(B); and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0232 was considered and adopted by unanimous vote.

- n) R2011-0233: A Resolution authorizing the County Executive to enter into a contract with Berea Children's Home in the amount not-to-exceed \$507,600.00 for Community-based Treatment Center management services for the period 1/1/2011 - 6/30/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Juvenile Court and Councilmember Jones

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2011-0233 was considered and adopted by unanimous vote.

- o) R2011-0234: A Resolution authorizing an award on RQ19343 to First Energy Solutions in the amount of \$5,500,000.00 for the purchase of electric utility services for County-owned facilities for the period 6/1/2011 – 5/31/2012; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works and Councilmember Jones

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2011-0234 was considered and adopted by unanimous vote.

15 COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance Nos. O2011-0026, O2011-0029 and O2011-0030.

- a) O2011-0026: An Ordinance adopting the five-year Economic Development Plan, in accordance with Section 7.05 of the Charter of Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and Councilmembers Schron, Gallagher, **Jones and Miller**

Committee Assignment and Chair: Economic Development & Planning – Schron

Mr. Miller introduced a written amendment to the plan on the floor. Discussion ensued.

A motion was then made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to amend Part 2, Section 3 in the Place Making Action Plan of the five-year Economic Development Plan by adding “Seek the support of the municipalities bordering Lake Erie and other economic development partners to create a collaborative process to recommend updates to Lakefront Development plans and encourage implementation of those plans.”

On a motion by Mr. Schron with a second by Mr. Miller, Ordinance No. O2011-0026 was considered and adopted by unanimous vote, as amended on the floor.

- b) O2011-0029: An Ordinance amending Ordinance No. O2011-0016 to establish the organizational structure of the Department of Law.

Sponsor: County Executive FitzGerald/Department of Law

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Mr. Jones, Ordinance No. O2011-0029 was considered and adopted by unanimous vote.

- c) O2011-0030: An Ordinance amending Ordinance No. O2011-0014 establishing the Board of Control, establishing procedures governing the making of County contracts and the purchasing of County supplies and equipment, providing procedures for the making of public improvements, establishing procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Miller, **Brady, Jones and Gallagher**

Mr. Miller introduced five written amendments on the floor:

On a motion by Mr. Miller with a second by Mr. Schron, the written amendment introduced by Mr. Miller to amend Section 3.4(b)(2) to add the words “financial, insurance and information technology” was considered and adopted by unanimous vote.

On a motion by Mr. Miller with a second by Mr. Schron, the written amendment introduced by Mr. Miller to amend Section 3.4(e) to add the words “in the case of contracts on behalf of courts with any other courts or other political subdivisions” was considered and adopted by unanimous vote.

On a motion by Mr. Miller with a second by Mr. Brady, the written amendment introduced by Mr. Miller to amend Section 3.4(b)(15) to delete the words, “contracting authority” and to add the words “Executive at a public meeting” was considered and adopted by unanimous vote.

On a motion by Mr. Miller with a second by Mr. Brady, the written amendment introduced by Mr. Miller to amend Section 3.4(b)(17) to delete the words “pursuant to Section 9.48 of the Ohio Revised Code” and to add the words “authorized by the Ohio Revised Code, including, but not limited to, Ohio Revised Code Section 9.48; and,” was considered and adopted by unanimous vote.

On a motion by Mr. Miller with a second by Mr. Brady, the written amendment introduced by Mr. Miller to amend Section 3.4(b)(18) to delete the words “pursuant to Section 125.04 of the Ohio Revised Code” and to add the words “authorized by the Ohio Revised Code, including, but not limited to, Ohio Revised Code Section 125.04 and Ohio Revised Code Section 5513.01.” was considered and adopted by unanimous vote.

Mr. Germana offered a verbal amendment on the floor to amend Section 3.8(n) to delete “g” as an exception. Mr. Miller then seconded the motion. Discussion ensued.

Council President Connally made a motion to table the amendment, seconded by Ms. Simon.

After further discussion, Mr. Germana withdrew his motion and Mr. Miller withdrew his second, as did Council President Connally and Ms. Simon.

On a motion by Mr. Miller with a second by Mr. Jones, Ordinance No. O2011-0030 was considered and adopted by unanimous vote, as amended on the floor.

16. CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2011-0033: An Ordinance establishing procedures for authorization of settlement of litigation by or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities; and declaring the necessity that this Ordinance become immediately effective.

Council President Connally referred Ordinance No. O2011-0033 to the Justice Affairs Committee.

Sponsors: County Executive FitzGerald/Department of Law and Council President Connally

- b) O2011-0034: An Ordinance providing for adoption of administrative rules for the Cuyahoga County Human Resource Commission, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Human Resource Commission

Council President Connally referred Ordinance No. O2011-0034 to the Health, Human Services & Aging Committee.

17. MISCELLANEOUS COMMITTEE REPORTS

There were no miscellaneous committee reports.

18. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

19. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

20. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Greenspan with a second by Mr. Miller, the meeting was adjourned at 7:58 p.m., without objection.

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0042

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion appointing individuals to serve on the Cuyahoga County Soldiers' and Sailors' Monument Board of Trustees, and declaring the necessity that this Motion become immediately effective.

WHEREAS, Ohio Revised Code Section 345.08 provides that the taxing authority of the county shall appoint a board of trustees; and,

WHEREAS, Article III, Section 3.01 of the County Charter establishes that the County Council is the "taxing authority;" and,

WHEREAS, County Council's Human Resources, Appointments, and Equity Committee has reviewed the applications, interviewed and individually nominated **William Scholle, Michael Sliwinski, Ivy Washington-Marshall, and Michael Winston** for appointment to the Cuyahoga County Soldiers' and Sailors' Monument Board of Trustees to each complete a term of five years, beginning November 6, 2010 and expiring November 5, 2015; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Motion become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County department.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby appoints **William Scholle, Michael Sliwinski, Ivy Washington-Marshall, and Michael Winston** to serve on the Cuyahoga County Soldiers' and Sailors' Monument Board of Trustees, to each complete a term of five years, beginning November 6, 2010 and expiring November 5, 2015.

SECTION 2. It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees

that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Motion was duly approved.

Yeas:

Nays:

County Council President Date

Clerk of Council Date

Journal CC003
August 9, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0041

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of Paul Jurcisin to serve on the Cuyahoga County Corrections Planning Board, and declaring the necessity that this Motion become immediately effective.

WHEREAS, Chapter 5149 of the Ohio Revised Code provides for the organization of a community-based corrections program; and,

WHEREAS, ORC 5149.34 provides for the creation of a County Corrections Planning Board and further provides for the composition of the board and the means by which appointments are made; and,

WHEREAS, ORC 5149.34 further provides the board shall consist of one or more members of the public, one of whom shall be a victim of a crime; and

WHEREAS, Paul Jurcisin is a member of the public who has been a victim of crime, and brings an extensive law enforcement background and community involvement that are well suited to his continuation on the board; and,

WHEREAS, Charter Section 6.04, entitled Special Boards and Commissions, states that "[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council;" and,

WHEREAS, the County Executive has nominated Paul Jurcisin to serve on the County Corrections Planning Board for a term of three years.

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

SECTION 1. The Council of Cuyahoga County hereby confirms the appointment of Paul Jurcisin to serve on the County Corrections Planning Board for a term of three years commencing on the date of appointment.

SECTION 2. It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Motion receives the affirmative vote of eight members of Council, this Motion shall become immediately effective.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Motion was duly approved.

Yeas:

Nays:

County Council Vice-President

Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____ 2011



EDWARD FITZGERALD
Cuyahoga County Executive

July 26, 2011

AUG 05 2011

Cuyahoga County Council

C. Ellen Connally, President
Cuyahoga County Council
Cuyahoga County Administration Building
1219 Ontario Street, 4th Floor
Cleveland, OH 44113

Re: Cuyahoga County Corrections Planning Board

Dear President Connally:

Pursuant to Ohio Revised Code Chapter 5149, I submit the following individual to serve on the Cuyahoga County Corrections Planning Board:

- **Paul Jurcisin, C.P.D. Security and Investigations**

Mr. Jurcisin currently serves on this body and I support his continuation on the Board. As you know, the Ohio Revised Code has numerous classifications for a properly constituted County Corrections Planning Board, including a provision that a member be a representative of the public who shall be a victim of crime. In addition to meeting that requirement, Mr. Jurcisin has extensive law enforcement background and community involvement that are well suited to his continuation on the Board. I have attached a copy of his resume for your review.

I ask that his confirmation be set as soon as the Council schedule allows. Should you or any of your colleagues have any questions, please feel free to contact my Special Assistant, James Boyle at 216-698-2089.

I thank you for your assistance.

Sincerely,

A handwritten signature in black ink that reads 'Edward FitzGerald'.

Edward FitzGerald
Cuyahoga County Executive

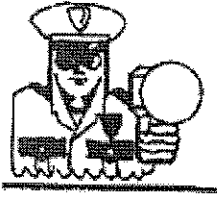
cc: Councilwoman Conwell
Clerk of Council
Maria Nemeč
Paul Jurcisin

C.P.D. SECURITY & INVESTIGATIONS LTD.

3408 West Boulevard ★ Cleveland, OH 44111 ★ (216) 671-6425

Call Phone (216) 789-0444 ★ Fax (216) 671-9402

E-Mail: yurch33@adelphia.net



Paul Jurcisin, *President*

February 5, 2011

To: Maria Nemec

Here is my resume for continued representation on the Corrections
Planning Board for the next term.


Paul Jurcisin

Paul Jurcisin
3408 West Blvd.
Cleveland, Ohio 44111
216-671-6425; 216-789-0444 (c)
yurch@adelphia.net

Professional Experience

- 1987 to Present President, C.P. D. Security and Investigations
- Chief of Security and Traffic during the reconstruction of the Main Avenue Bridge, a \$54 million project
 - Supervision of security during demolition and construction of the new Cleveland Browns Stadium
 - Hire, supervise and coordinate the daily scheduling of 30 police officers
 - Investigate all security and safety matters
 - Specialist in sexual harassment investigations
- 1969-1999 Cleveland Police Patrolmen's Association
- Charter Member, Second Vice-President, 1980-1983
 - Financial Secretary, 1976-1980
 - Founded and Editor of the *CPPA Police Journal*
 - Editor of the *Police Gazette*
 - Legislative Representative to City, County, State and Federal Government Officials
 - Provided special security detail for numerous Democratic candidates and elected officials
- 1962 – 1999 Cleveland Police Department
- Patrol Officer in the 2nd, 3rd and 4th Districts
 - Officer in the Juvenile Unit specializing in the investigation of juvenile liquor sales/consumption and gang-related crimes
 - Officer in the Vice Unit of the 1st and 2nd Districts, specializing in the investigation of liquor control complaints, crimes of prostitution activity and issuance of search warrants of suspicious premises
- 1958 – 1985 Paul Jurcisin Insurance Agency, Inc
- Owner/President of insurance agency underwriting \$750,000 in commercial and personal lines of insurance. Business was sold in 1985.

Paul Jurcisin
Page 2

Community Affiliations

| | |
|----------------|--|
| 2002 – Present | Member, St Ignatius (Church) Parish Council |
| 2001 – Present | Member, Zoning Board of the Cuyahoga County Airport Appointed by the Cuyahoga County Commissioners |
| 2006 – Present | Member, Corrections Planning Board Appointed by the Cuyahoga County Commissioners |
| 1995 – Present | Chairman, Coalition of Safety Forces (Organization promotes neighborhood safety, transportation and recreation issues. Members consist of police and fire fighters in the City of Cleveland.) |
| 1981 – Present | Member, West Blvd Neighborhood Association |
| 1988 – 1992 | Member, State of Ohio, Private Investigator's Advisory Commission Appointed by Gov. Richard Celeste |
| 1981 – 1985 | Member and Treasure, Board of Trustees, Council of Economic Opportunities for Greater Cleveland. Annual Budget: \$10 million. |
| 1981 – 1985 | Member Board of Trustees, Epilepsy Foundation of Greater Cleveland |

Education

| | |
|------|--|
| 1957 | Western Reserve University |
| 1951 | Received Diploma, Lakewood High School |

Military Service

| | |
|------------|--------------------------------|
| 1985 | Captain, Ohio Military Reserve |
| 1953 -1955 | U.S. Army, Honorable Discharge |

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0040

| | |
|---|---|
| Sponsored by: Councilmember Greenspan | An Ordinance amending Ordinance No. O2011-0024 dated 5/10/2011, which amended previous Board of County Commissioners Resolutions establishing charges payable for connection to the County's water and sewer supply facilities in County Sewer District No. 14 for the period 12/30/2010 - 12/29/2011 and County Council Ordinance No. O2011-0007; and declaring the necessity that this Ordinance become immediately effective. |
|---|---|

WHEREAS, on June 2, 2005 Cuyahoga County, through its Engineer/ Sanitary Engineer, established certain sewer and water connection fees for County District 14; and,

WHEREAS, in 2008, the Ohio Environmental Protection Agency ("Ohio EPA") distributed an Environmental Assessment to various Olmsted Township residents residing on Cook, MacKenzie and Stearns Roads affected by these Resolutions which indicated that the sewer connection fee could be paid by the property owner in yearly installments over a twenty year (20) period; and,

WHEREAS, this information from the Ohio EPA was incorrect and failed to set forth the connection charges as specified in Section 2 of Resolution No. 052208 and 052209, respectively; and,

WHEREAS, based upon the 2008 Ohio EPA communication, the residents of Cook, MacKenzie and Stearns Roads maintain that they relied on this inaccurate information and did not pay the connection fees earlier; and,

WHEREAS, on January 25, 2011, this Council passed Ordinance No. O2011-0007, which previously acknowledged the connection fee issue as outlined above, and amended Resolution Nos. 052208 and 052209 to reflect the water and sewer connection fees as established in 2008 and applied those rates to the current water and sewer connection fees; and,

WHEREAS, this Council finds that it would be an undue hardship for these property owners to be subjected to payment terms of less than over a twenty year (20) period as was originally communicated to them by the Ohio EPA, and finds that further amendment to Resolution Nos. 052208 and 052209 are required; and,

WHEREAS, Section 2 of Ordinance O2011-0024 provided that the repayment plan would be collected via the tax duplicate under the special assessment category. Upon further review, it was determined that the appropriate mechanism to collect the funds over the twenty year time frame is pursuant to Ohio Revised Code 6117.02 and that amendment is necessary.

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

SECTION 1: Cuyahoga County Resolution Nos. 052208 and 052209, each dated 6/2/2005, which established charges payable for connection to the County's water and sewer supply facilities in County Sewer District No. 14 for the period 12/30/2010 - 12/29/2011 and County Council Ordinance No. O2011-0007, are hereby amended to reflect a twenty (20) year repayment period for those affected property owners who are converting from a septic system to a main line sanitary system on Cook, MacKenzie and Stearns Roads.

SECTION 2: The twenty year repayment plan shall be based on the 2011 connection fee schedule, plus applicable interest at the rate of 3.52%, and will apply to those affected property owners that elect not to pay the connection fee in full by December 29, 2011. **The twenty year repayment plan and collection of funds will be established in accordance with Ohio Revised Code 6117.02, and the Department of Public Works may require any additional assurances of repayment, including the procurement and recording of a mortgage loan document, if deemed appropriate upon consultation with legal counsel.**

SECTION 3: This Ordinance is intended to alleviate the hardships on individual homeowners and property owners and is therefore not applicable to future developers that may seek this same accommodation.

SECTION 4: Further any affected property owners on Cook, MacKenzie and Stearns Roads who have previously paid sewer and water connection fees under the 2009, 2010 or 2011 rates shall be refunded any amounts paid in excess of the 2008 rates as set forth in Ordinance No. O2011-0007.

SECTION 5. It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members to Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 6. 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

Journal CC003
August 9, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0036

| | |
|---|---|
| Sponsored by: Councilmembers Miller, Schron, Conwell and Brady | An Ordinance approving a Biennial Operating Budget and Capital Improvements Program, and declaring the necessity that this Ordinance become immediately effective. |
|---|---|

WHEREAS, Article 2, Section 3, Subsections 9 and 10 of the Cuyahoga County Charter directs the County Executive to submit to the Council prior to the beginning of each fiscal year, a proposed operating budget and a capital improvements program for the upcoming fiscal year; and

WHEREAS, Article 3, Section 9, Subsection 5 of the Cuyahoga County Charter gives County Council the power to adopt and amend the County's operating budget and capital improvements program and to make appropriations for the County; and

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

SECTION 1. Two-Year Budget and Capital Improvements Process. The policy for adopting the operating budget and the capital improvements program for Cuyahoga County is established as follows:

Article 1: County Executive Authority

Section 1.1 The County Executive may perform any of the functions that he/she is required to perform under this ordinance through his/her duly authorized designees.

Article 2: Submission of Biennial Operating Budget and Capital Improvements Program

Section 2.1 Not later than at the first County Council meeting in October of each odd-numbered year, the County Executive shall submit to Council a proposed operating budget and capital improvements program for the two fiscal years beginning January 1 of the year following the submission. The materials submitted shall include all information required by Article 2, Section 3, Subsections 9, 10, and 11 of the Cuyahoga County Charter.

Section 2.2 Not later than at the first County Council meeting in November of each even-numbered year, the County Executive shall submit to Council an updated operating budget and capital improvements program for the fiscal year beginning January 1 of the year following the submission. The materials submitted shall include all information

required by Article 2, Section 3, Subsections 9, 10, and 11 of the Cuyahoga County Charter.

Article 3: Adoption and Enactment of Biennial Operating Budget and Capital Improvements Program and Annual Update

Section 3.1 The County Council shall review, amend as needed, and adopt the biennial operating budget and capital improvements program and the annual update of the biennial operating budget and capital improvements program not later than December 15th of the same year of its submission.

SECTION 2. It is found and determined that all formal actions of this County Council meeting relating to the adoption of this ordinance were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. Effective Date. It is hereby found and determined necessary for this ordinance to become immediately effective, for the reason that this ordinance provides for the usual daily and necessary operations of Cuyahoga County government in accordance with the requirements of the Cuyahoga County Charter; therefore, this ordinance, provided it received the affirmative vote of at least eight members of County Council, shall become effective immediately; otherwise it shall be in full force and effect from and immediately after the earliest time permitted by law.

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:
Committee(s) Assigned:

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0039

| | |
|---|---|
| Sponsored by: Councilmember Schron and County Executive FitzGerald | An Ordinance establishing procedures governing the use by the County of alternate construction project delivery methods, including construction manager-at-risk, design-build and general contracting project delivery methods for public construction projects; and declaring the necessity that this Ordinance become immediately effective. |
|---|---|

WHEREAS, Article 3, Section 9, Subsections 4 and 9 of the Cuyahoga County Charter empowers the Cuyahoga County Council to establish procedures governing the making of County contracts and to establish the procedures for making public improvements; and

WHEREAS, procedures used for contracting and procurement should enable Cuyahoga County to be efficient, flexible, and transparent.

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

SECTION 1: Notwithstanding the competitive bidding procedures provided for in Chapter 153 and Sections 307.86 through 307.921 of the Ohio Revised Code, the policies and procedures of Cuyahoga County, Ohio relating to construction contracts employing alternate project delivery methods are established as follows:

Section 1. As used in Sections 1 to 13, inclusive, the following words shall have the following meanings unless indicated otherwise or unless the context in which they are used requires a different meaning:

"Architect of record" means the professional design firm that serves as the final signatory on the plans and specifications for a design-build project.

"Building project" means the design, construction, reconstruction, improvement, alteration, installation, demolition or repair of any public building or improvement.

"Construction management-at-risk" or "construction management-at-risk services" means a construction method wherein a construction management-at-risk firm provides a range of preconstruction services and construction management services

that may include cost estimating and consultation regarding the design of the building project, scheduling, the preparation and coordination of bid packages, cost control, value engineering, detailing the subcontractor scope of work, prequalifying and evaluating subcontractors, and holding the subcontracts

"Construction manager-at-risk" or "Construction management-at-risk firm" means an individual, corporation, partnership, sole proprietorship, joint venture, limited liability company or other legal entity that provides construction management-at-risk services.

"Construction manager-at-risk contract" means a contract between the County and a construction manager-at-risk that obligates the construction manager-at-risk to provide construction management-at-risk services for a guaranteed maximum price.

"County's project manager" means an individual, corporation, partnership, sole proprietorship, joint venture, limited liability company or other legal entity engaged to provide project management services on behalf of the County for the design and construction of a building project. The County's project manager may be an employee of the County whose assigned responsibility is the management of design and construction of a building project.

"Criteria architect or engineer" means the professional design firm retained by the County to prepare conceptual plans and specifications, to assist the County in connection with the establishment of the design criteria for a design-build project, and, if requested by the County, to serve as the representative of the County and provide, during the design-build project, other design and construction administration services on behalf of the County, including but not limited to, confirming that the design prepared by the design-build firm reflects the original design intent established in the design criteria package.

"Design-build contract" means a contract between the County and a design-build firm that obligates the design-build firm to provide design-build services for a guaranteed maximum price.

"Design-build firm" means any individual, corporation, partnership, sole proprietorship, joint venture, limited liability company or other legal entity that provides design-build services.

"Design-build services" means services that form an integrated delivery system for which a design-build firm is responsible to the County for both the design and construction, demolition, alteration, repair, or reconstruction of a building project.

"General contracting" means a construction method wherein a general contracting firm is responsible for constructing and managing a building project under the award of a single aggregate lump sum or guaranteed maximum price contract.

"General contracting firm" means a person that provides general contracting services.

"Guaranteed maximum price" or "GMP" means the agreed maximum dollar amount to be paid by the County for the building project, including the cost of the work, the general conditions, agreed construction contingency and the fees charged by the construction management-at-risk firm, design-build firm or general contracting firm.

"Professional design firm" shall have the same meaning as set forth in Section 153.65 of the Ohio Revised Code.

"Subcontractor" means any individual, corporation, partnership, sole proprietorship, joint venture, limited liability company, or other legal entity that undertakes to provide any part of the labor, equipment or material of a building project under a contract with the construction management-at-risk firm, design-build firm or general contracting firm.

"two-phase selection process" means a procurement process in which the first phase consists of creating a short list of prequalified firms as determined by responses to a request for qualifications and the second phase consists of inviting firms prequalified in the first phase to submit responses to a request for proposals or a request for bids.

Section 2. For each contract for the construction, reconstruction, improvement, alteration, installation, demolition or repair of any building project estimated to cost not less than [\$ _____], the [**Board of Control/County Executive**] may elect to use the construction management-at-risk delivery method, pursuant to Sections 3 to 6, inclusive.

Section 3. (a) The [**Board of Control/County Executive**] shall utilize a two-phase selection process as provided in this section to select a construction management-at-risk firm to provide construction management-at-risk services

(b) Before issuing a request for qualifications, hereinafter called RFQ, the [**Board of Control/County Executive**] shall establish a prequalification committee for the purpose of reviewing and evaluating responses submitted by a construction manager-at-risk to the RFQ. The prequalification committee shall be comprised of one (1) representative of the professional design firm, the County's project manager, and at least two (2) representatives of the County.

(c) The first phase of the two-phase selection process shall begin once the County gives public notice of the building project and solicits responses to an RFQ from construction management-at-risk firms. The public notice and solicitation section shall be advertised in a newspaper of general circulation in the County or on the County's website. The public notice and solicitation shall be given not less than two (2) weeks before the deadline for submitting responses to the RFQ. The public notice and solicitation shall include:

(1) the time and date of the deadline for receipt of responses to the RFQ and the address of the office to which the responses are to be delivered;

- (2) a general description of the project and key factors important to the final selection of the construction management-at-risk firm;
 - (3) a general description of the scope of services expected of the selected construction management-at-risk firm during the design, pre-construction and construction phases of the project;
 - (4) a general description of the anticipated schedule and estimated construction cost for the building project; and
 - (5) **[the criteria for the selection of the construction management-at-risk firm, including minimum experience, requirements for presentations/interviews, and the schedule for the selection process.]**
- (d) The County shall require interested construction management-at-risk firms to submit a statement of qualifications in response to the RFQ. The statement of qualifications shall include the following:
- (1) a cover letter or executive summary detailing the key elements and factors that differentiate the firm from other responders;
 - (2) completion of a statement of qualifications similar in form to AIA Document A305 (latest edition), listing general business information and financial capacity such as organizational structure, licensing, experience, references and financial statement;
 - (3) a list of all convictions or fines assessed against the construction manager-at-risk firm or any of its officers or directors for violations of state or federal law;
 - (4) submission of a project organization chart with specific information on key project personnel or consultants;
 - (5) a letter from a surety company licensed to do business in the State and whose name appears on United States Treasury Department Circular 570 confirming the ability to provide performance and payment bonds for the building project;
 - (6) submission of information on the firm's safety record including its workers' compensation experience modifier for the prior three (3) years;
 - (7) submission of information on and evidence of the firm's compliance record with respect to small business enterprise inclusion goals and workforce inclusion goals, if applicable;
 - (8) submission of information regarding the firm's experience on similar projects including contact information of the architects and owners of the projects;

(9) submission of specific examples of the firm's project management reports or other illustrations of the company's operating philosophy; and

(10) any other relevant information that the County determines desirable.

(e) The prequalification committee established pursuant to Subsection (b) of this section, shall evaluate each statement of qualifications submitted by the construction management-at-risk firms. The evaluation shall take into account the following factors: (i) competence to perform the required construction management-at-risk services as indicated by the technical training, education, and experience of the construction management-at-risk firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the construction management-at-risk firm who would be assigned to perform the services; (ii) ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required preconstruction and construction services competently and expeditiously; (iii) past performance of the firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines; and (iv) any other relevant factors as determined by the County. The prequalification committee shall select a minimum of three (3) qualified construction management-at-risk firms to receive the request for proposals, unless less than three (3) firms responded to the RFQ, in which event prequalification committee may select less than three (3) qualified construction management-at-risk firms to receive the request for proposals. The decision of the prequalification committee shall be final and shall not be subject to appeal except on grounds of fraud or collusion.

Section 4. (a) Before issuing a request for proposals, hereinafter referred to as RFP, the **[Board of Control/County Executive]** shall establish a selection committee for the purpose of reviewing and evaluating responses submitted to the RFP. The selection committee shall be comprised of one (1) representative of the professional design firm, the County's project manager, and at least two (2) representatives of the County. Nothing herein shall prohibit the County from appointing the same individuals who served as the prequalification committee to serve as the selection committee.

(b) The County shall issue an RFP to each construction management-at-risk firm selected to receive an RFP pursuant to Section 3. The RFP shall include:

(1) the date, time and place for submission of proposals;

(2) a clear description of the submission requirements including separate price and technical components;

(3) the small business enterprise inclusion goals and workforce inclusion goals for the building project, if applicable;

- (4) the form of construction management-at-risk contract; and
 - (5) any other relevant information that the County determines desirable.
- (c) The RFP shall require the submission of separate price and technical components as part of the proposal submitted in response to the RFP.
- (1) The price component shall include: (i) the fee for preconstruction services with appropriate detail, (ii) the fee for construction services with explanation of the basis, (iii) the estimated cost of general conditions with appropriate detail, and (iv) the estimated construction contingency requirements regarding development of the GMP.
- (2) The technical component shall include: (i) a detailed project approach, including preconstruction services, (ii) supplemental relevant project references, (iii) the project team members with position descriptions and relevant time commitments and billing rates of said team members during the project, and (iv) the construction management plan indicating their approach to controlling cost, schedule, quality, documents and claims.
- (d) Upon receipt of the responses to the RFP, the selection committee shall evaluate all proposals and rank firms based on the selection committee's evaluation of each firm's pricing proposal and qualifications. If the selection committee elects to conduct an interview with a construction management-at-risk firm who submits a proposal in response to the RFP, then the selection committee shall conduct interviews with each construction management-at-risk firm that submits a proposal to the RFP. The decision of the selection committee shall be final and not subject to appeal except on the grounds of fraud or collusion.
- (e) The selection committee shall commence negotiations with the highest ranked construction management-at-risk firm. If the selection committee determines that negotiations with the highest ranked construction management-at-risk firm will not result in a contract acceptable to the County, then the selection committee shall terminate negotiations with the highest ranked construction management-at-risk firm and shall commence negotiations with the next highest ranked construction management-at-risk firm. The process shall continue until the selection committee has reached an acceptable contract with one of the prequalified construction management-at-risk firms. **[The list and ranking of proposed construction management-at-risk firms shall be certified by the County's project manager and made available as a public record after the contract award.]**

Section 5. (a) Each contract for a building project procured pursuant to Sections 3 to 6, inclusive, shall utilize a cost-plus, not-to-exceed guaranteed maximum price form of contract in which the County shall be entitled to monitor and audit all project costs.

(b) In establishing the schedule and process for determining a guaranteed maximum price, the contract between the County and the construction management-at-risk firm shall comply with the following:

(1) The guaranteed maximum price shall be based on design documents that are no less developed than [40/50/60?] percent construction documents;

(2) The guaranteed maximum price shall be agreed to as an amendment to the contract between the County and the construction management-at-risk firm;

(3) The guaranteed maximum price amendment shall be executed before the commencement of any construction work; except that the County, before the execution of the guaranteed maximum price amendment, may commence construction, so long as the County executes a separate amendment to the contract with the construction manager-at-risk detailing the scope of work selected to commence before execution of the guaranteed price amendment, and provided that each subcontractor performing work shall provide a payment and performance bond in the amount of its subcontract, which bond shall name the County and the construction manager-at-risk as co-obligees. The separate amendment shall state the sum for the scope of work, which shall include the cost of the work, the general conditions and additional fee, if any, for the construction manager-at-risk; but, any class of work included in the scope of work selected to commence before the execution of the guaranteed maximum price amendment shall be subject to the subcontractor selection process set forth in Section 6. If a guaranteed maximum price cannot be successfully negotiated between the County and the construction manager-at-risk, then any subcontractor agreement between the construction manager-at-risk and a subcontractor for work selected to commence before execution of the guaranteed maximum price amendment may be assigned to the County or to another construction manager-at-risk designated by the County, without the assent of the subcontractor, and the County or the designated construction manager-at-risk and the subcontractor shall be bound by the terms of the subcontractor agreement; and

(4) The guaranteed maximum price amendment to the contract between the County and the construction management-at-risk firm shall include a detailed line item cost breakdown by trade, including any cost for work selected to commence before the execution of the guaranteed maximum price amendment; dollar amounts for the construction management-at-risk firm's construction contingency; dollar amounts for the general conditions and fees, including any amounts related to work selected to commence before the execution of the guaranteed maximum price amendment; a list of all the drawings, specifications and other information on which the guaranteed maximum price is based; a list of allowances and statement of their basis; a list of any assumptions or clarifications on which the guaranteed maximum price is based; the dates for substantial and final completion on which the guaranteed maximum price is based; and a schedule of applicable alternates and unit prices.

(5) The construction management-at-risk firm shall provide all required performance and payment bonds in the amount of the guaranteed maximum price within five (5) business days after the execution of the guaranteed maximum price amendment.

(c) If a guaranteed maximum price cannot be successfully negotiated between the County and the construction management-at-risk firm, then the selection committee may commence negotiations with an additional proposer starting with the next highest ranked proposer. If a contract and guaranteed maximum price amendment cannot be successfully negotiated between the selection committee and the next highest ranked proposer, then the County shall terminate the procurement process and may instead procure the building project under any other project delivery method permitted by law.

Section 6. (a) Each construction manager-at-risk with a construction manager-at-risk shall include terms that require the following procedures to be observed in connection with the award of subcontracts under the construction manager-at-risk:

(1) Prior to the award of any subcontract with an estimated subcontract value of \$_____ or more, the construction manager-at-risk shall submit to the County for approval the qualifications that a subcontractor must have in order to perform the work of the subcontract and a list of at least three (3) subcontracting firms that the construction manager-at-risk believes meets the qualifications. The County may eliminate from the list persons or firms that the County believes are not qualified and it may add to the list any person or firm it believes to be reasonably qualified. The construction manager-at-risk shall revise the list unless the construction manager-at-risk has reasonable objections to the person or firms eliminated or added by the County. The County shall inform the construction manager-at-risk of any additions to the list, or of its objection to any persons or firms proposed by the construction manager-at-risk, within ten (10) days after the County's receipt of the list. If the County disapproves of a proposed bidder, then the written notice to the construction manager-at-risk shall set forth the County's reasonable objections supporting its disapproval. The construction manager-at-risk shall not solicit bids or proposals from any person or firm to whom the County has made reasonable objections.

(2) After the construction manager-at-risk and the County have agreed upon an acceptable list of potential subcontractors, the construction manager-at-risk shall solicit at least three (3) competitive bids or proposals (including design-assist bids or proposals) from subcontractors on the list of approved subcontractors. All bids or proposals submitted shall be sealed and shall not be opened before the bid opening date set forth in the solicitation.

(3) On the date set forth in the solicitation, the construction manager-at-risk shall open, in the presence of the County, all bids or proposals. The County shall have the right to be present at all post-opening scope review meetings of the construction manager-at-risk and the proposed subcontractors.

(4) Giving consideration to the price and the qualifications of each person or firm submitting a bid or proposal, the construction manager-at-risk shall recommend for award the subcontractor whose bid or proposal represents the best value, and such recommendation shall be submitted to the County with a written report setting forth the reasons supporting the recommendation. The County shall have the right to object to the proposed award if it determines that the person or firm proposed does not represent the best value. If the County objects to the proposed award, it shall do so by sending written notice of such objection within ten (10) days after the County's receipt of the construction manager-at-risk's recommendation report, and such written notice shall set forth the County's reasons for objecting. If the County does not disapprove the bidder recommended by the construction manager at risk, then the construction manager-at-risk shall award the subcontract to the recommended bidder.

(5) Notwithstanding the foregoing, subcontracts with an award value that does not exceed the threshold sum as identified in Subsection (a)(1) of this section, may be awarded by the construction manager-at-risk using any selection method selected by the construction manager-at-risk with the approval of the County.

Section 7. (a) For each contract for the construction, reconstruction, improvement, alteration, installation, demolition or repair of any building project estimated to cost not less than [\$ _____], the [**Board of Control/County Executive**] may elect to use the design-build delivery method, pursuant to Sections 7 to 12, inclusive.

(b) For every design-build contract, the County shall first obtain the services of a criteria architect or engineer by either contracting for the services consistent with Sections 153.65 to 153.70 of the Ohio Revised Code or by obtaining the services through a design professional who is an employee of the County. After the County has retained a criteria architect or engineer, the County shall develop with the assistance of the criteria architect or engineer a scope of work statement that defines the building project and provides prospective design-build firms with sufficient information regarding the County's objectives and requirements. The scope of work statement shall include criteria and preliminary design, general budget parameters, and general schedule requirements to enable prospective design-build firms to submit proposals in response to the RFP issued under Section 9. The criteria architect or engineer retained by the County for a building project shall not be eligible to participate in any way as a member of the design-build team competing for the award of the design-build contract for the building project.

Section 8. (a) The [**Board of Control/County Executive**] shall utilize a two-phase selection process as provided in this section to select a design-build firm to provide design-build services.

(b) Before issuing a request for qualifications, hereinafter called RFQ, the [**Board of Control/County Executive**] shall establish a prequalification committee for the

purpose of reviewing and evaluating responses submitted by a design-build firm to the RFQ. The prequalification committee shall be comprised of one (1) representative of the criteria architect or engineer, the County's project manager, and at least two (2) representatives of the County

(c) The first phase of the two-phase selection process shall begin once the County gives public notice of the building project and solicits responses to an RFQ from design-build firms. The public notice and solicitation required shall be advertised in a newspaper of general circulation in the County or on the County's website. The public notice and solicitation shall be given not less than two (2) weeks before the deadline for submitting responses to the RFQ. The public notice and solicitation shall include:

(1) the time and date of the deadline for receipt of responses to the RFQ and the address of the office to which the responses are to be delivered;

(2) a general description of the project and key factors important to the final selection of the design-build firm;

(3) a general description of the scope of services expected of the selected design-build firm during the design, pre-construction and construction phases of the project;

(4) a general description of the anticipated schedule and estimated construction cost for the building project; and

(5) **[the criteria for the selection of the design-build firm, including minimum experience, requirements for presentations/interviews, and the schedule for the selection process.]**

(d) The County shall require interested design-build firms to submit a statement of qualifications in response to the RFQ. The statement of qualifications shall include the following:

(1) a cover letter or executive summary detailing the key elements and factors that differentiate the firm from other responders;

(2) completion of a statement of qualifications similar in form to AIA Document A305 (latest edition), listing general business information and financial capacity such as organizational structure, licensing, experience, references and financial statement;

(3) a list of all convictions or fines assessed against the design-build firm or any of its officers or directors for violations of state or federal law;

(4) submission of a project organization chart with specific information on key project personnel or consultants, including the architect of record;

- (5) a letter from a surety company licensed to do business in the State and whose name appears on United States Treasury Department Circular 570 confirming the ability to provide performance and payment bonds for the building project;
- (6) submission of information on the firm's safety record including its workers' compensation experience modifier for the prior three (3) years;
- (7) submission of information on and evidence of the firm's compliance record with respect to small business enterprise inclusion goals and workforce inclusion goals, if applicable;
- (8) submission of information regarding the experience of the design-build firm and the architect of record on similar projects, including contact information of owners of the projects;
- (9) submission of specific examples of the firm's project management reports or other illustrations of the company's operating philosophy; and
- (10) any other relevant information that the County determines desirable.

(e) The prequalification committee established pursuant to Subsection (b) of this section shall evaluate each statement of qualifications submitted by design-build firms. The evaluation shall take into account the following factors: (i) competence to perform the required design-build services as indicated by the technical training, education, and experience of the design-build firm's personnel and key consultants, especially the technical training, education, and experience of the employees and consultants of the design-build firm who would be assigned to perform the services, including the proposed architect of record; (ii) ability of the firm in terms of its workload and the availability of qualified personnel, equipment, and facilities to perform the required professional design services or design-build services competently and expeditiously; (iii) past performance of the firm as reflected by the evaluations of previous clients with respect to such factors as control of costs, quality of work, and meeting of deadlines; and (iv) any other relevant factors as determined by the County. The prequalification committee shall select a minimum of three (3) qualified design-build firms to receive the request for proposals, unless less than three (3) firms responded to the RFQ, in which event prequalification committee may select less than three (3) qualified design-build firms to receive the request for proposals. The decision of the prequalification committee shall be final and shall not be subject to appeal except on grounds of fraud or collusion.

Section 9. (a) Before issuing a request for proposals, hereinafter referred to as RFP, the [Board of Control/County Executive] shall establish a selection committee for the purpose of reviewing and evaluating responses submitted to the RFP issued pursuant to Subsection (b) of this section. The selection committee shall be comprised of one (1) representative of the criteria architect or engineer, the County's project manager, and at least two (2) representatives of the County. Nothing herein

shall prohibit the County from appointing the same individuals who served as the prequalification committee to serve as the selection committee.

(b) The County shall issue an RFP to each design-build firm selected to receive an RFP pursuant to Section 8. The RFP shall include:

- (1) the date, time and place for submission of proposals;
- (2) a clear description of the submission requirements including separate price and technical components;
- (3) the design criteria produced by the criteria architect or engineer;
- (4) the small business enterprise inclusion goals and workforce inclusion goals for the building project, if applicable;
- (5) the form of design-build services contract; and
- (6) any other relevant information that the County determines desirable.

(c) The RFP shall require the submission of separate price and technical components as part of the proposal submitted in response to the RFP.

(1) The price component shall include: (i) the fee for design services, including the fee of the architect of record, with appropriate detail, (ii) the fee for preconstruction services, with appropriate detail, (iii) the fee for design-build services with explanation of the basis, (iv) the estimated cost of general conditions, with appropriate detail, and (v) the estimated design and contingency requirements regarding development of the GMP.

(2) The technical component shall include: (i) a detailed project approach, including preconstruction and design services, (ii) supplemental relevant project references, (iii) the project team members with position descriptions and relevant time commitments and billing rates of said team members during the project, and (iv) the construction management plan indicating their approach to controlling cost, schedule, quality, documents and claims.

(d) Upon receipt of the responses to the RFP issued pursuant to Subsection (c) of this section, the selection committee shall evaluate all proposals and rank firms based on the selection committee's evaluation of each firm's pricing proposal and qualifications. If the selection committee elects to conduct an interview with a design-build firm who submits a proposal in response to the RFP, then the selection committee shall conduct interviews with each design-build firm that submits a proposal to the RFP. The decision of the selection committee shall be final and not subject to appeal except on the grounds of fraud or collusion.

(e) The selection committee shall commence negotiations with the highest ranked design-build firm. If the selection committee determines that negotiations with the highest ranked design-build firm will not result in a contract acceptable to the County, then the selection committee shall terminate negotiations with the highest ranked design-build firm and shall commence negotiations with the next highest ranked design-build firm. The process shall continue until the selection committee has reached an acceptable contract with one of the prequalified design-build firms. **[The list and ranking of proposed design-build firms shall be certified by the County's project manager and made available as a public record after the contract award.]**

Section 10. (a) Each contract for a building project procured pursuant to Sections 7 to 12, inclusive, shall utilize a cost-plus, not-to-exceed guaranteed maximum price form of contract in which the County shall be entitled to monitor and audit all project costs.

(b) In establishing the schedule and process for determining a guaranteed maximum price, the contract between the County and the design-build firm shall comply with the following:

(1) The guaranteed maximum price shall be based on design documents that are no less developed than **[40/50/60?]** percent construction documents;

(2) The guaranteed maximum price shall be agreed to as an amendment to the contract between the County and the design-build firm;

(3) The guaranteed maximum price amendment shall be executed before the commencement of any construction work; except that the County, before the execution of the guaranteed maximum price amendment, may commence construction, so long as the County executes a separate amendment to the contract with the design-build firm detailing the scope of work selected to commence before execution of the guaranteed price amendment, and provided that each subcontractor performing work shall provide a payment and performance bond in the amount of its subcontract, which such bond shall name the County and the design-build firm as co-obligees. The separate amendment shall state the sum for the scope of work, which shall include the cost of the work, the general conditions and additional fee, if any, for the design-build firm; but, any class of work included in the scope of work selected to commence before the execution of the guaranteed maximum price amendment shall be subject to the subcontractor selection process set forth in Section 11. If a guaranteed maximum price cannot be successfully negotiated between the County and the design-build firm, then any subcontractor agreement between the design-build firm and a subcontractor for work selected to commence before execution of the guaranteed maximum price amendment may be assigned to the County or to another design-build firm designated by the County, without the assent of the subcontractor, and the County or the designated design-build firm and the subcontractor shall be bound by the terms of the subcontractor agreement; and

(4) The guaranteed maximum price amendment to the contract between the County and the design-build firm shall include a detailed line item cost breakdown by trade, including any cost for work selected to commence before the execution of the guaranteed maximum price amendment; dollar amounts for the design-build firm's design and construction contingencies; dollar amounts for the general conditions and fees, including any amounts related to work selected to commence before the execution of the guaranteed maximum price amendment; a list of all the drawings, specifications and other information on which the guaranteed maximum price is based; a list of allowances and statement of their basis; a list of any assumptions or clarifications on which the guaranteed maximum price is based; the dates for substantial and final completion on which the guaranteed maximum price is based; and a schedule of applicable alternates and unit prices.

(5) The design-build firm shall provide all required performance and payment bonds in the amount of the guaranteed maximum price within five (5) business days after the execution of the guaranteed maximum price amendment.

(c) If a guaranteed maximum price cannot be successfully negotiated between the County and the design-build firm, then the selection committee may commence negotiations with an additional proposer starting with the next highest ranked proposer. If a contract and guaranteed maximum price amendment cannot be successfully negotiated between the selection committee and the next highest ranked proposer, then the County shall terminate the procurement process and may instead procure the building project under any other project delivery method permitted by law.

Section 11. (a) Each design-build contract with a design-build firm shall include terms that require the following procedures to be observed in connection with the award of subcontracts under the design-build contract:

(1) Prior to the award of any subcontract with an estimated subcontract value of \$ _____ or more, the design-build firm shall submit to the County for approval the qualifications that a subcontractor must have in order to perform the work of the subcontract and a list of at least three (3) subcontracting firms that the design-build firm believes meets the qualifications. The County may eliminate from the list persons or firms that the County believes are not qualified and it may add to the list any person or firm it believes to be reasonably qualified. The design-build firm shall revise the list unless the design-build firm has reasonable objections to the person or firms eliminated or added by the County. The County shall inform the design-build firm of any additions to the list, or of its objection to any persons or firms proposed by the design-build firm, within ten (10) days after the County's receipt of the list. If the County disapproves of a proposed bidder, then the written notice to the design-build firm shall set forth the County's reasonable objections supporting its disapproval. The design-build firm shall not solicit bids or proposals from any person or firm to whom the County has made reasonable objections.

(2) After the design-build firm and the County have agreed upon an acceptable list of potential subcontractors, the design-build firm shall solicit at least three (3) competitive bids or proposals (including design-assist bids or proposals) from subcontractors on the list of approved subcontractors. All bids or proposals submitted shall be sealed and shall not be opened before the bid opening date set forth in the solicitation.

(3) On the date set forth in the solicitation, the design-build firm shall open, in the presence of the County, all bids or proposals. The County shall have the right to be present at all post-opening scope review meetings of the design-build firm and the proposed subcontractors.

(4) Giving consideration to the price and the qualifications of each person or firm submitting a bid or proposal, the design-build firm shall recommend for award the subcontractor whose bid or proposal represents the best value, and such recommendation shall be submitted to the County with a written report setting forth the reasons supporting the recommendation. The County shall have the right to object to the proposed award if it determines that the person or firm proposed does not represent the best value. If the County objects to the proposed award, it shall do so by sending written notice of such objection within ten (10) days after the County's receipt of the design-build firm's recommendation report, and such written notice shall set forth the County's reasons for objecting. If the County does not disapprove the bidder recommended by the design-build firm, then the design-build firm shall award the subcontract to the recommended bidder.

(5) Notwithstanding the foregoing, subcontracts with an award value that does not exceed the threshold sum as identified in Subsection (a)(1) of this section, may be awarded by the design-build firm using any selection method selected by the design-build firm with the approval of the County.

Section 12. The [Board of Control/County Executive] may adopt rules proscribing additional terms and provisions to be included in each construction manager-at-risk or design-build contract, including procedures and criteria for pre-qualification of subcontractors under Sections 6 and 11.

Section 13. (a) For each contract for the construction, reconstruction, improvement, alteration, installation, demolition or repair of any building project estimated to cost not more than [\$_____], the [Board of Control/County Executive] may elect to use the general contracting method, pursuant to this Section 13.

(b) The County shall give public notice of the building project and shall solicit bids from general contracting firms. The public notice and solicitation shall be advertised in a newspaper of general circulation in the County or on the County's website. The public notice and solicitation shall be given not less than two (2) weeks

before the deadline for submitting bids. The public notice and solicitation shall include the time and date of the deadline for receipt of bids, the address of the office to which the responses are to be delivered, a general description of the project, and a general description of the anticipated schedule and estimated construction cost for the building project.

(c) The County shall require interested general contracting firms to submit a pricing proposal and statement of qualifications in response to the bid request. The statement of qualifications shall include the following:

- (1) a cover letter or executive summary detailing the key elements and factors that differentiate the firm from other responders;
- (2) completion of a statement of qualifications similar in form to AIA Document A305 (latest edition), listing general business information and financial capacity such as organizational structure, licensing, experience, references and financial statement;
- (3) a list of all convictions or fines assessed against the general contraction firm or any of its officers or directors for violations of state or federal law;
- (4) submission of a project organization chart with specific information on key project personnel or consultants;
- (5) a letter from a surety company licensed to do business in the State and whose name appears on United States Treasury Department Circular 570 confirming the ability to provide performance and payment bonds for the building project;
- (6) submission of information on the firm's safety record including its workers' compensation experience modifier for the prior three (3) years;
- (7) submission of information on and evidence of the firm's compliance record with respect to small business enterprise inclusion goals and workforce inclusion goals, if applicable;
- (8) submission of information regarding the firm's experience on similar projects including contact information of the architects and owners of the projects;
- (9) submission of specific examples of the firm's project management reports or other illustrations of the company's operating philosophy;
- (10) submission of either a single aggregate lump sum price or a single aggregate cost-plus, not-to-exceed guaranteed maximum price, as required by the bid documents; and
- (11) any other relevant information that the County determines desirable

(d) The contract for general contracting services shall be awarded to the firm whose bid is determined by the [Board of Control/County Executive] to be the lowest and best.

SECTION 2. It is found and determined that all formal actions of this County Council meeting relating to the adoption of this ordinance were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place in meetings open to the public, in compliance with all legal requirements, including Section 121 22 of the Ohio Revised Code.

SECTION 3. Effective Date. This ordinance, provided that it receives the affirmative vote of at least eight (8) members of County Council, shall become effective immediately upon enactment; otherwise, it shall be in full force and effect from and immediately after the earliest time permitted by law.

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:
Committee(s) Assigned:

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0243

| | |
|--|--|
| Sponsored by: County Executive FitzGerald/Office of Budget & Management | A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective. |
|--|--|

WHEREAS, on October 28, 2010, the former governing body of Cuyahoga County adopted the 2011 Annual Appropriation Measure establishing the 2011 annual budgets for all County departments, offices and agencies;

WHEREAS, it is necessary to adjust the 2011 Annual Appropriation Measure to reflect budgetary funding increases, funding reductions, to transfer budget appropriations, and to transfer cash between budgetary funds, in order to accommodate the operational needs of certain County departments, offices, and agencies; and

WHEREAS, it is further necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County departments, offices, and agencies;

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

SECTION 1. That the 2011 Annual Appropriation Measure be amended to provide for the following additional appropriation increases and decreases:

| <u>Fund Nos./Budget Accounts</u> | | <u>Journal Nos.</u> |
|----------------------------------|------------------------|---------------------|
| A. | 21A165 – IASC FY2012 | BA1100673 |
| | CO753178 – IASC FY2012 | |
| | Personal Services | \$ 568,116.00 |
| | Other Expenses | \$ 3,743.00 |

Funding Source: Ohio Department of Alcohol and Drug Addiction Services and no cash match is required.

| | | |
|----|------------------------------------|------------------|
| B. | 21A182 – IASC Drug Court | BA1100674 |
| | CO753152 – FY 2012 IASC Drug Court | |
| | Personal Services | \$ 214,167.00 |
| | Other Expenses | \$ 6,333.00 |

Funding Source: Ohio Department of Alcohol and Drug Addiction Services and no cash match is required.

| | | |
|----|---------------------------------|------------------|
| C. | 21A926 – CBCF Operating Account | BA1100675 |
| | CC742627 – 11/12 CBCF Subsidy | |
| | Other Expenses | \$ 3,957,000.00 |

Funding Source: Ohio Department of Rehabilitation and Corrections

| | | |
|----|----------------------------|------------------|
| D. | 22A105 – HUD Section 108 | BA1100592 |
| | DV711606 – HUD Section 108 | |
| | Other Expenses | \$ 602,124.64 |

Funding Source: Department of Housing and Urban Development (HUD).

| | | |
|----|---|------------------|
| E. | 54P566 – Jefferson Drive Sewer Lining | BA1100647 |
| | ST541235 – Jefferson Drive Sewer Lining | |
| | Capital Outlays | \$ 800,000.00 |

Funding Source: A loan from the Water Pollution Control Loan Fund (WPCLF).

| | | |
|----|---|------------------|
| F. | 40A526 – Ohio Dept of Transportation (ODOT) | BA1100649 |
| | Local Projects Administration (LPA) | |
| | CE785006 – ODOT - LPA | |
| | Capital Outlays | \$ 600,000.00 |

Funding Source: 100% with Federal Highway Transportation dollars passed through ODOT.

| | | |
|----|---------------------------------------|------------------|
| G. | 01A001 – General Fund | BA1100650 |
| | CT577106 – Risk & Property Management | |
| | Other Expenses | \$ 681,790.88 |

Funding Source: General Fund. (See Review Document.)

| | | |
|----|---|------------------|
| H. | 54P568 – Household Sewage Treatment System (HSTS) | BA1100651 |
| | Repair/Replacement Program | |
| | ST541144 – HSTS Repair/Replacement Program | |
| | Other Expenses | \$ 160,000.00 |

Funding Source: Water Pollution Control Loan Fund (WPCLF) in the form of a principal forgiveness loan which requires no repayment of monies.

| | | |
|----|---|------------------|
| I. | 61A608 – Central Security Service-Sheriff | BA1100621 |
| | SH352005 – Building Security Services | |
| | Other Expenses | \$ 239,104.00 |

Funding Source: Charges to county departments which utilize the services of security for the buildings, of which 70% is derived from General Fund/Health and Human Services Levy Fund.

| | | | |
|----|----------------------------------|----|------------------|
| J. | 20A824 – Family Justice Center | | BA1100642 |
| | JA107441 – Family Justice Center | | |
| | Other Expenses | \$ | 54,865.47 |

Funding Source: United States Department of Justice, Juvenile Justice Delinquency Prevention Program.

| | | | |
|---|--------------------------|----|------------------|
| K | 20A312 – Coroner’s Lab | | BA1100679 |
| | CR180034 – Coroner’s Lab | | |
| | Personal Services | \$ | 709,886.00 |

Funding Source: Coroners’ Lab Fund

| | | | |
|---|---|----|------------------|
| L | 22A678 – Shelter + Care 10’ Special Rental Assistance | | BA1100628 |
| | HS753095 – Shelter + Care 10’ Special Rental Assistance | | |
| | Other Expenses | \$ | 605,412.00 |

Funding Source: United States Department of Housing & Urban Development.

| | | | |
|----|---|----|------------------|
| M. | 22A788 – SHP 10’ Domestic Violence Center | | BA1100629 |
| | HS753103 – SHP 10’ Domestic Violence Center | | |
| | Other Expenses | \$ | 77,167.00 |

Funding Source: United States Department of Housing & Urban Development.

| | | | |
|----|---------------------------------------|----|------------------|
| N. | 22A753 – SHP 10’ SA PASS Supportive | | BA1100630 |
| | HS753111 – SHP 10’ SA PASS Supportive | | |
| | Other Expenses | \$ | 270,705.00 |

Funding Source: United States Department of Housing & Urban Development.

| | | | |
|---|---|----|------------------|
| O | 20D446 – Brownfield Revolving Loan Fund | | BA1100517 |
| | DV520726 – Brownfield Revolving Loan Fund | | |
| | Other Expenses | \$ | 500,000.00 |

Funding Source: General Fund Subsidy.

SECTION 2. That the 2011 Annual Appropriation Measure be amended to provide for the following appropriation transfers:

| | |
|--|----------------------------|
| <u>Fund Nos. /Budget Accounts</u> | <u>Journal Nos.</u> |
|--|----------------------------|

| | | | | | |
|---|-------|---|----|-----------|------------------|
| A | FROM: | 20A192 – TASC HHS CO456533 – TASC HHS Personal Services | \$ | 10,000.00 | BA1100681 |
| | TO: | 20A192 – TASC HHS CO456533 – TASC HHS Other Expenses | \$ | 10,000.00 | |

Funding Source: Health and Human Services Levy Fund.

| | | | | | |
|---|-------|--|----|------------|------------------|
| B | FROM: | 21A500 – Urban Area Security Initiative (URSI) JA741124 – Urban Area Security Initiative (URSI) Capital Outlay | \$ | 335,000.00 | BA1100640 |
| | TO: | 21A500 – Urban Area Security Initiative (URSI) JA741124 – Urban Area Security Initiative (URSI) Other Expenses | \$ | 335,000.00 | |

Funding Source: United States Department of Homeland Security, Federal Emergency Management Agency.

| | | | | | |
|----|-------|--|----|------------|------------------|
| C. | FROM: | 01A001 – General Fund DV014175 – Blue Ribbon Task Force Other Expenses | \$ | 500,000.00 | BA1100652 |
| | TO: | 01A001 – General Fund SU513440 – Brownfield Revolving Loan Fund - Subsidy Other Expenses | \$ | 500,000.00 | |

Funding Source: General Fund

SECTION 3. That the 2011 Annual Appropriation Measure be amended to provide for the following cash transfers between County funds.

| | |
|--|----------------------------|
| <u>Fund Nos. /Budget Accounts</u> | <u>Journal Nos.</u> |
|--|----------------------------|

| | | | | | |
|---|-------|--|----|------------|------------------|
| A | FROM: | 01A001 – General Fund SU513440 – Brownfield Revolving Loan Fund - Subsidy Transfer Out | \$ | 500,000.00 | JT1100011 |
| | TO: | 20D446 – Brownfield Revolving Loan Fund DV520726 – Brownfield Revolving Loan Fund Revenue Transfer | \$ | 500,000.00 | |

Funding Source: Loan repayments on existing loans outstanding and subsidies from the General Fund.

SECTION 4. This Resolution is hereby determined to be an emergency measure and that it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of County departments, offices and agencies. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

Journal CC003
August 9, 2011

August 2, 2011

Clerk of County Council

Dear Ms Schmotzer:

What follows is a brief summary of the fiscal items, which will be presented for your consideration at the Council meeting scheduled for August 9, 2011

Additional Appropriation Summary – Additional appropriations are needed when there is a new or increased revenue source, or a revision to the original budget appropriation that is required to cover expenses that exceed the original estimate

A reduction in appropriation is requested in conjunction with the close out of a program, grant, project or decertification of an encumbrance.

| General Fund/Health & Human Services | Amount |
|---|---------------------|
| Public Works/Risk & Property Management – To cover back property taxes due on the Whiskey Island Marina property. | \$681,790.88 |
| TOTAL | \$681,790.88 |

| Other Operating Funds | Amount |
|--|-----------------------|
| Sheriff – increase in appropriation to cover phone charges and other expenses for the Protective Services Funding is from charges to user agencies, of which 70% is derived from General Fund/Health and Human Services Levy Fund. | \$239,104.00 |
| Medical Examiner – To increase appropriations to cover personal services for the Lab Fund to offset General Fund expenses. | \$709,886.00 |
| Development – An appropriation increase to the Brownfield Revolving Loan Fund to cover a Brownfield Environmental Consulting Services Request for Proposals. Funding is a General Fund Subsidy. | \$500,000.00 |
| TOTAL | \$1,448,990.00 |

| Grants/Projects | Amount |
|---|----------------|
| Common Pleas/Treatment Alternatives to Street Crimes (TASC) FY2012 – To appropriate grant from the Ohio Department of Alcohol & Drug Addiction Services. | \$571,859.00 |
| Common Pleas/TASC Drug – To appropriate the FY 2012 grant from the Ohio Department of Alcohol & Drug Addiction Services. | \$220,500.00 |
| Cuyahoga County Community Based Correctional Facility – To appropriate grant from the Ohio Department of Rehabilitation and Corrections | \$3,957,000.00 |
| Development – Increase in appropriation in the Housing and Urban Development Section 108 division to cover the payment of fees, interest, and principal. Funding is a from the Department of Housing and Urban Development. | \$602,124.64 |
| Public Works/Sanitary Engineer – Increase in appropriation for the Jefferson Drive Sewer Lining project Funding is a Water Pollution Control loan. Debt service will come from sewer district user fees. | \$800,000.00 |
| Public Works/Engineer – Additional appropriation for the Fitch Road Separation project Funding is from Federal Highway Transportation dollars. | \$600,000.00 |
| Public Works/Sanitary Engineer – To appropriate funds for the Household Sewage Treatment System Repair/Replacement Program. Funding is a Water Pollution Control Loan Fund principal forgiveness loan. | \$160,000.00 |
| Justice Services/Family Justice Center – To appropriate a grant from the U S Department of Justice, Justice Delinquency Prevention Program. | \$54,865.47 |
| Office of Homeless Services – To appropriate a grant from the U.S. Department of Housing & Urban Development for the Shelter Plus Care Sponsor Based Rental Assistance Program. | \$605,412.00 |
| Office of Homeless Services – To appropriate a grant from the U.S. Department of Housing & Urban Development for the McKinney Vento Homeless Assistance Act, Domestic Violence Center. | \$77,167.00 |

| | |
|--|-----------------------|
| Office of Homeless Services – To appropriate a grant from the U.S. Department of Housing & Urban Development for the McKinney Vento Homeless Assistance Act, for PASS SSO Program. | \$270,705.00 |
| TOTAL | \$7,919,633.11 |

| | |
|--|------------------------|
| Total Additional Appropriations - All Funds | \$10,050,413.99 |
|--|------------------------|

The following represents the overall changes made to the 2011 Annual Appropriation Measure since its adoption on October 28, 2010. The changes reflect the Additional Appropriations, Appropriation Transfers and Cash Transfers to the original adopted appropriation measure.

APPROPRIATION STATUS SUMMARY:

| | <u>08/09 Agenda</u> | <u>Year to Date</u> | <u>Adjusted Annual Appropriation</u> |
|--------------|------------------------|-------------------------|--------------------------------------|
| General Fund | \$ 681,790.88 | \$ 26,323,875.77 | \$ 331,241,027.77 |
| Other Fund | \$ <u>9,368,623.11</u> | \$ <u>95,984,889.67</u> | \$ <u>1,504,978,618.67</u> |
| Total | \$ 10,050,413.99 | \$ 122,308,765.44 | \$ 1,836,219,646.44 |

Appropriation Transfer Summary – Is a transfer of appropriation between two or more budget accounts or between different expenditure categories within the same budget account.

| <u>General Fund/Health & Human Services</u> | <u>Amount</u> |
|---|---------------------|
| Common Pleas/Treatment Alternatives to Street Crimes HHS – To realign appropriation to cover anticipated expenses through year-end. Funding is from the Health & Human Services Levy Fund. | \$10,000.00 |
| Development – An appropriation transfer from the Blue Ribbon Task Force to the Brownfield Revolving Loan Fund to cover a cash transfer for environmental assessments on brownfields. Funding is a General Fund Subsidy. | \$500,000.00 |
| TOTAL | \$510,000.00 |

| <u>Other Operating Funds</u> | <u>Amount</u> |
|------------------------------|---------------|
| TOTAL | 0 |

| <u>Grants/Projects</u> | <u>Amount</u> |
|--|---------------------|
| Justice Services/Urban Area Security Initiative (JRSI) – To realign appropriation to cover anticipated contractual and other programmatic changes within the grant. Funding is from the U.S. Department of Homeland Security, Federal Emergency Management Agency. | \$335,000.00 |
| TOTAL | \$335,000.00 |

| | |
|--|---------------------|
| Total Appropriation Transfers - All Funds | \$845,000.00 |
|--|---------------------|

Cash Transfer Summary – Operating transfers support operating expenditures, related to a cash match for a grant, transfer of taxes or fees to a debt service fund, transfers from the General Fund to a capital project fund or operating subsidies to special revenue funds, enterprise funds, or internal service funds. This type of transaction posts as an expenditure and sufficient appropriation must be available to process the transaction.

Residual Equity Transfers are non-recurring or non-routine transfers of cash between funds. They are used to close out a fund and to transfer remaining fund balance to another fund. This transaction only affects cash fund balance and does not post as a revenue or expenditure. No appropriation is required to process this type of transaction.

| <u>General Fund/Health & Human Services</u> | <u>Amount</u> |
|---|---------------------|
| Development – A cash transfer to cover environmental assessments on brownfield sites. Funding is from loan repayments and General Fund Subsidies. | \$500,000.00 |
| TOTAL | \$500,000.00 |

| <u>Other Operating Funds</u> | <u>Amount</u> |
|------------------------------|---------------|
| TOTAL | 0 |

| <u>Grants/Projects</u> | <u>Amount</u> |
|------------------------|----------------|
| TOTAL | \$ 0.00 |

| | |
|---|---------------------|
| Total Cash Transfers - All Funds | \$500,000.00 |
|---|---------------------|

Thank you for your consideration regarding this matter

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Rubino". The signature is written in a cursive style with a large, prominent circular flourish at the end.

Matthew Rubino
Office of Budget & Management
mrubino@cuyahogacounty.us
(216) 443-7448
Fax: (216) 443-7256

MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council
FROM: Matthew Rubino, Director, Office of Budget & Management
DATE: August 2, 2011
RE: Agenda Items

The Office of Budget & Management requests that the following fiscal items be presented to the members of County Council for their consideration at the meeting of August 9, 2011. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

Resolution: Additional Appropriations

| | | | | |
|----|------------------------|----|------------|------------------|
| A. | 21A165 – IASC FY2012 | | | BA1100673 |
| | CO753178 – IASC FY2012 | | | |
| | Personal Services | \$ | 568,116.00 | |
| | Other Expenses | \$ | 3,743 00 | |

This request for an increase in appropriations is to establish appropriations for the FY 2012 Treatment Alternative to Street Crimes (TASC) grant. This is a continuation grant in the amount of \$571,859.00. This grant funding will be used for salaries, benefits and expenses. The grant period is from 07/01/11 through 06/30/11. The funding source is the Ohio Department of Alcohol and Drug Addiction Services and no cash match is required.

| | | | | |
|----|------------------------------------|----|------------|------------------|
| B. | 21A182 -- IASC Drug Court | | | BA1100674 |
| | CO753152 – FY 2012 IASC Drug Court | | | |
| | Personal Services | \$ | 214,167 00 | |
| | Other Expenses | \$ | 6,333 00 | |

This request for an increase in appropriations is to establish appropriations for the FY 2012 Treatment Alternative to Street Crimes (TASC) Drug Court grant. This is a continuation grant in the amount of \$220,500.00 for the Greater Cleveland Drug Court Project for the Treatment Alternatives to Street Crimes. This grant funding will be used for salaries, benefits and expenses. The grant period is from 07/01/11 through 06/30/11. The funding source is the Ohio Department of Alcohol and Drug Addiction Services and no cash match is required.

| | | | | |
|----|---------------------------------|----|--------------|------------------|
| C. | 21A926 – CBCF Operating Account | | | BA1100675 |
| | CC742627 – 11/12 CBCF Subsidy | | | |
| | Other Expenses | \$ | 3,957,000.00 | |

This request for an increase in appropriations is to establish appropriations for the Cuyahoga County Community-Based Correctional Facility (CBCF) Correctional Facility (CBCF) FY 2011-2012 subsidy grant which was awarded from the Ohio Department of Rehabilitation and Corrections. This is a continuation grant in the amount of \$3,957,000 and will be used for

Office of Budget & Management
1219 Ontario Street, Cleveland, OH 44113, (216) 443-7220, FAX (216) 443-7256
Ohio Relay Service (TTY) 711

payment to Oriana House per the operating agreement with the Court of Common Pleas for their continued operation of the CBCF. The grant period is from July 1, 2011 through June 30, 2012. No cash match is required.

| | | | |
|----|----------------------------|----|------------------|
| D. | 22A105 – HUD Section 108 | | BA1100592 |
| | DV711606 – HUD Section 108 | | |
| | Other Expenses | \$ | 602,124.64 |

Additional appropriation is requested by the Department of Development in the HUD 108 grant. Periodically, appropriation needs to be increased in the HUD 108 grant to allow for payment of fees, interest and principal. The Treasurer collects loan repayments on existing loans and then, in turn, uses these proceeds to fund fees, interest and principal. Funding for HUD 108 comes from the Department of Housing and Urban Development (HUD)

| | | | |
|----|---|----|------------------|
| E. | 54P566 – Jefferson Drive Sewer Lining | | BA1100647 |
| | ST541235 – Jefferson Drive Sewer Lining | | |
| | Capital Outlays | \$ | 800,000.00 |

Additional appropriation is requested for the Jefferson Drive Sewer Lining project. The existing appropriation of \$800,000 is not enough to pay for the estimated costs and appropriation is \$1.6 million. Funding for this project is from a loan from the Water Pollution Control Loan Fund (WPCLF). Debt service on the loan will come from sewer district user fees.

| | | | |
|----|---|----|------------------|
| F. | 40A526 – Ohio Dept of Transportation (ODOT) | | BA1100649 |
| | Local Projects Administration (LPA) | | |
| | CE785006 – ODOT - LPA | | |
| | Capital Outlays | \$ | 600,000.00 |

Additional appropriation is requested for the Fitch Road Separation project. This project is funded 100% with Federal Highway Transportation dollars passed through ODOT

| | | | |
|----|---------------------------------------|----|------------------|
| G. | 01A001 – General Fund | | BA1100650 |
| | CT577106 – Risk & Property Management | | |
| | Other Expenses | \$ | 681,790.88 |

Additional appropriation is needed to pay unbudgeted taxes on the Whiskey Island property. Funding for Risk and Property Management comes from the General Fund. (See Review Document G.)

| | | | |
|----|---|----|------------------|
| H. | 54P568 – Household Sewage Treatment System (HSTS) | | BA1100651 |
| | Repair/Replacement Program | | |
| | ST541144 – HSTS Repair/Replacement Program | | |
| | Other Expenses | \$ | 160,000.00 |

Appropriation is requested for the Household Sewage Treatment System (HSTS) Repair Replacement Program. This project will fund the repair/replacement of failing household sewage treatment systems for low to moderate income residents in Cuyahoga County. Funding for this project will come from the Water Pollution Control Loan Fund (WPCLF) in the form of a principal forgiveness loan which requires no repayment of monies.

| | | | |
|----|---|----|------------------|
| I. | 61A608 – Central Security Service-Sheriff | | BA1100621 |
| | SH352005 – Building Security Services | | |
| | Other Expenses | \$ | 239,104.00 |

Request an increase in appropriations in the Sheriff's Building Security Services account for phone charges and other expenses that were excluded in the original budget since the costs were previously paid through Central Services for the first three months. Funding is from the internal service fund which derives revenues from charges to county departments which utilize the services of security for the buildings, of which 70% is derived from General Fund/Health and Human Services Levy Fund. The internal service fund covers the period January 1, 2011 through December 31, 2011. (See Review Document I)

| | | |
|---|----------------------------------|------------------|
| J | 20A824 – Family Justice Center | BA1100642 |
| | JA107441 – Family Justice Center | |
| | Other Expenses | \$ 54,865.47 |

The increase in appropriations in the Justice Services Family Justice Center account is to accommodate increase costs in contractual and other expenses as a result from an award from the United States Department of Justice, Juvenile Justice Delinquency Prevention Program passed through Criminal Justice Services for the EXODUS project for reducing disproportionate minority contact. The award covers the period January 1, 2011 through June 30, 2012. These increased costs will be fully covered through the grant award and will not adversely impact the original funding for the Family Justice Center which is the Health and Human Services Levy Fund covering the period January 1, 2011 through December 31, 2011

| | | |
|---|--------------------------|------------------|
| K | 20A312 – Coroner's Lab | BA1100679 |
| | CR180034 – Coroner's Lab | |
| | Personal Services | \$ 709,886.00 |

The increase in appropriations is to provide sufficient resources in the Medical Examiner budget, specifically the Coroners' Lab Fund for wage and fringe adjustments from the General Fund per the budget reduction plan approved for 2011. This fund is not the Regional Forensic Lab Fund. Sufficient cash exists in the special revenue Coroners' Lab Fund for the additional appropriations. Funding covers the period January 1, 2011 through December 31, 2011.

| | | |
|---|---|------------------|
| L | 22A678 – Shelter + Care 10' Special Rental Assistance | BA1100628 |
| | HS753095 – Shelter + Care 10' Special Rental Assistance | |
| | Other Expenses | \$ 605,412.00 |

To provide appropriations for The Office of Homeless Services recent award from the United States Department of Housing & Urban Development for the Shelter Plus Care Sponsor-Based Rental Assistance program, providing 92 units for homeless individuals in the amount of \$605,412.00 covering the period August 1, 2011 through April 30, 2013. The donation was approved and accepted by the County Executive.

| | | |
|---|---|------------------|
| M | 22A788 – SHP 10' Domestic Violence Center | BA1100629 |
| | HS753103 – SHP 10' Domestic Violence Center | |
| | Other Expenses | \$ 77,167.00 |

To provide appropriations for The Office of Homeless Services recent award from the United States Department of Housing & Urban Development for the McKinney-Vento Homeless Assistance Act, for Domestic Violence Center in the amount of \$77,167.00 covering the period September 1, 2011 through August 31, 2013. The donation was approved and accepted by the County Executive.

N.

22A753 – SHP 10' SA PASS Supportive
HS753111 – SHP 10' SA PASS Supportive
Other Expenses \$ 270,705.00

BA1100630

To provide appropriations for The Office of Homeless Services recent award from the United States Department of Housing & Urban Development for the McKinney-Vento Homeless Assistance Act, for PASS SSO Program in the amount of \$270,705.00 covering the period August 1, 2011 through September 30, 2013. The donation was approved and accepted by the Office of the County Executive.

O

20D446 – Brownfield Revolving Loan Fund
DV520726 – Brownfield Revolving Loan Fund
Other Expenses \$ 500,000 00

BA1100517

An appropriation increase is requested in the Brownfield Revolving Loan Fund. The increase is necessary to fund a Brownfield Environmental Consulting Services RFP costing \$500,000. Funding for the Brownfield Revolving Loan Fund comes from a General Fund Subsidy. (See related appropriation transfer, item C, on page 5, and cash transfer, item A, on page 6.) (See Review Document O.)

Resolutions: Appropriation Transfers

| | | | | |
|----|-------|---------------------|----|------------------|
| A. | FROM: | 20A192 – TASC HHS | | BA1100681 |
| | | CO456533 – TASC HHS | | |
| | | Personal Services | \$ | 10,000.00 |
| | TO: | 20A192 – TASC HHS | | |
| | | CO456533 – TASC HHS | | |
| | | Other Expenses | \$ | 10,000.00 |

This appropriations transfer is to provide necessary appropriations to cover anticipated expenses until years end. Sufficient appropriations exist for this transfer. The funding source for this sub-fund is the Health and Human Services Levy Fund.

| | | | | |
|----|-------|--|----|------------------|
| B. | FROM: | 21A500 – Urban Area Security Initiative (URSI) | | BA1100640 |
| | | JA741124 – Urban Area Security Initiative (URSI) | | |
| | | Capital Outlay | \$ | 335,000.00 |
| | TO: | 21A500 – Urban Area Security Initiative (URSI) | | |
| | | JA741124 – Urban Area Security Initiative (URSI) | | |
| | | Other Expenses | \$ | 335,000.00 |

To transfer appropriations within the Urban Area Security Initiative (URSI) for anticipated contractual and other programmatic changes within the grant. Funding is from the United States Department of Homeland Security, Federal Emergency Management Agency passed through the Ohio Department of Emergency Management covering the period September 1, 2008 through August 31, 2011.

| | | | | |
|----|-------|---|----|------------------|
| C. | FROM: | 01A001 – General Fund | | BA1100652 |
| | | DV014175 – Blue Ribbon Task Force | | |
| | | Other Expenses | \$ | 500,000.00 |
| | TO: | 01A001 – General Fund | | |
| | | SU513440 – Brownfield Revolving Loan Fund - Subsidy | | |
| | | Other Expenses | \$ | 500,000.00 |

An appropriation transfer is requested from the Department of Development's Blue Ribbon Task Force to the Brownfield Revolving Loan Fund – Subsidy account. This transfer will enable the cash transfer from the General Fund (Blue Ribbon Task Force) to the Brownfield Revolving Loan Fund for environmental assessments on brownfields. Funding for the Blue Ribbon Task Force and the Brownfield Revolving Loan Fund – Subsidy accounts comes from the General Fund (See related additional appropriation, item O, on page 4 and cash transfer, item A, on page 6.)

Resolutions: Cash Transfers

| | | | | |
|----|-------|---|----|------------------|
| A. | FROM: | 01A001 – General Fund | | JT1100011 |
| | | SU513440 – Brownfield Revolving Loan Fund - Subsidy | | |
| | | Transfer Out | \$ | 500,000.00 |
| | TO: | 20D446 – Brownfield Revolving Loan Fund | | |
| | | DV520726 – Brownfield Revolving Loan Fund | | |
| | | Revenue Transfer | \$ | 500,000.00 |

A cash transfer is requested from the Brownfield Revolving Loan Fund -- Subsidy account to the Brownfield Revolving Loan Fund account to pay for environmental assessments on brownfield sites. Funding for the Brownfield Revolving Loan Fund comes from loan repayments on existing loans outstanding and subsidies from the General Fund. (See related additional appropriation, item O, on page 4, and appropriation transfer item C, on page 5)

Recommendation for Appropriation Request

| | |
|----------------------------|---|
| Request Description | Tax Payment for Whiskey Island |
| Requesting Agency | Public Works – Risk and Property Management |
| Funding Source | General Fund |
| Total Impact | \$ 681,790.88 |
| Status | Recommended |
| Agenda Date | August 9, 2011 |

Summary of Request

Public Works is requesting additional appropriation to pay the unbudgeted property taxes on Whiskey Island. The tax bill comes to \$681,790.88.

Background Information

- Information on program budget: Risk and Property Management manages all the buildings and real estate owned by Cuyahoga County. The department is responsible for paying taxes on Whiskey Island.
- Funding source and related history: The funding source for Risk & Property Management is the General Fund.
- Reason for request: Appropriation is requested to pay taxes on Whiskey Island.

OBM Recommendation and Impact Statement

- A complete and comprehensive analysis of the request: The payment of the taxes is made under protest to the State Tax Commissioner. The County's contention is that the property is public property and therefore not subject to taxation. The County has filed an appeal to the Ohio Board of Tax Appeals to get the taxes removed. If successful, the appeal could result in a refund of these taxes paid.
- General Fund and / or HHS levy impact: The General Fund will have to fund the additional \$681,790.88
- Budgetary or funding issues: The Whiskey Island Taxes were unbudgeted in 2011. Therefore, additional appropriation must occur to pay the taxes.
- Impact on programmatic objectives: There is no impact on programmatic objectives.
- The recommendation for approval or non approval: I recommend that the appropriation increase be approved by the County Council so that the property taxes on the Whiskey Island property can be paid

Recommendation for Appropriation Request

| | |
|----------------------------|--|
| Request Description | Increase in General Fund Appropriation |
| Requesting Agency | Sheriff-Building Security |
| Funding Source | Internal Service Fund |
| Total Impact | \$ 239,104 |
| Status | Recommended |
| Agenda Date | 8.9.11 |

Summary of Request

Request to increase appropriation totaling \$239,104 of which \$181,904 is for phone chargebacks from ISC and \$57,200 for other expenses such as security alarms in various buildings and other miscellaneous expenses. These additional costs were not included in the original budget due since the budget was based on costs in 2010 which excluded the first three months that were paid by Central Services

Background Information

The Sheriff's Building Security account is an internal service fund which derives revenues from charges to county departments which utilize the services of security for the buildings

OBM Recommendation and Impact Statement

The Sheriff's Central Security Service account is reimbursed through charges to other county agencies of which approximately 30% is derived from non General Fund/Health and Human Service Levy Fund such as federal reimbursements as a result the impact on local resources is approximately \$167,372.

Recommendation for Appropriation Request

| | |
|----------------------------|---|
| Request Description | Appropriation Move from General Fund to Brownfield Fund |
| Requesting Agency | Department of Development |
| Funding Source | General Fund |
| Total Impact | \$ 500,000 |
| Status | Recommended |
| Agenda Date | August 9, 2011 |

Summary of Request

The Department of Development would like to move \$500,000 from the Blue Ribbon Task Force to the Brownfield Revolving Loan Fund. The monies are needed for a brownfield assessment in the City of Cleveland; Federal EPA funds provide for assessments in municipalities other than the City of Cleveland, so local funding is necessary. The Blue Ribbon Task Force is a General Fund cost center. The \$500,000 will be used to subsidize the Brownfield Revolving Loan Fund.

Background Information

- Information on program budget: The Department of Development has two general fund cost centers: Economic Development and the Blue Ribbon Task Force. The Blue Ribbon Task Force has a budget of \$871,000, of which \$750,000 is used for Economic Development activities. The Task Force made recommendations resulting in investments in individual communities and economic development projects such as the Opportunity Corridor.
- The Funding source for the Blue Ribbon Task Force is the General Fund. Leftover appropriation at the end of 2010 that was carried forward to 2011 is the source of funding for this transfer.
- Reason for the Request: The \$500,000 was earmarked for brownfield redevelopment activities and specifically environmental assessments in the City of Cleveland. The funds were available in the Blue Ribbon account, but needed in the Brownfield account, so the Department anticipated moving the dollars in 2011.

OBM Recommendation and Impact Statement

- A complete and comprehensive analysis of the request : The request to move the appropriation will be a decrease in General Fund appropriation and an increase in the Brownfield Revolving Loan Fund. An appropriation transfer cannot be utilized because these cost centers are from separate funds.
- General Fund and / or HHS levy impact: The net impact of this fiscal item is \$0 as the \$500,000 will be used to subsidize the Brownfield Revolving Loan Fund instead of funding the Blue Ribbon initiatives

Recommendation for Appropriation Request

- Budgetary or funding issues: The Brownfield Revolving Loan fund is funded by loan repayments. This \$500,000 is needed to bridge the gap in available cash coming into the fund to cover the cost of environmental assessments.
- Impact on programmatic objectives: This will enable more brownfield redevelopment activities
- The recommendation for approval or non approval: I recommend that we approve this appropriation move so that the agency can proceed with its assessment of remediation site clean up activities in the County.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0244

| | |
|---|---|
| Sponsored by: County Executive FitzGerald/Fiscal Officer | A Resolution authorizing awards on RQ19761 to various appraisers, each in the amount of \$48,000.00, for 2012 sexennial reappraisal and annual maintenance for the period 8/15/2011 - 12/31/2012; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective. |
|---|---|

WHEREAS, in March of 2011, the County solicited for real estate appraiser resumes to include a Statement of Qualifications and Experience for appraisal services relating to a county-wide reappraisal of all Residential, Manufactured Homes, Commercial, Industrial and Industrial Report parcels; and,

WHEREAS, this reappraisal process is intended to field review, verify physical characteristics of, and value the physical inventory for approximately 458,600 Residential and Manufactured home parcels; and

WHEREAS, the Fiscal Officer ranked the appraisers based upon their qualifications and experience and has made the following recommendations for awarding contracts to the following individual independent contractors for residential appraisals, each in the amount of \$48,000.00, for the period 8/15/2011 - 12/31/2012:

- a) William J. Barnes
- b) Ruth Lassiter
- c) Nancy A. Price
- d) Anthony Gober
- e) Erin Kovacic

WHEREAS, it is further necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of County departments, offices, and agencies.

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

SECTION 1. Awarding on RQ19761 to the following appraisers for the 2012 sexennial reappraisal and annual maintenance and authorizing the County Executive

to enter into contracts for residential appraisals, each in the amount of \$48,000.00, for the period 8/15/2011 - 12/31/2012, consistent with said awards:

- a) William J. Barnes
- b) Ruth Lassiter
- c) Nancy A. Price
- d) Anthony Gober
- e) Erin Kovacic

SECTION 2. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of County departments, offices and agencies. Provided that this Resolution receives the affirmative vote of eight members elected to Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

Journal CC003
August 9, 2011



Item Details:

| | | | |
|--|----------------------|--------------------------------|-----------------------|
| Agency/Dept. Name: | County Auditor | Agency/Dept. Head Name: | Appraisal/Jim Hopkins |
| Type of Request: | Award Recommendation | | |
| Request Prepared by: | Kathy Goepfert | Telephone No. | 443-6905 |
| SUMMARY OF REQUESTED ACTION: | | | |
| Recommending an award on the RFQ 2012 Sexennial Reappraisal for various appraisers. | | | |
| Residential Appraisers: | | | |
| Williams J. Barnes \$48,000 | | | |
| Nancy A. Price \$48,000 | | | |
| Ruth Lassiter \$48,000 | | | |
| Anthony Gober \$48,000 | | | |
| Erin Kovacic \$48,000 | | | |
| PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): | | | |
| The urgency of this request is to maintain compliance with the Department of Tax Equalization (DTE) of Ohio. Approval of Appraisers under Council rule suspension, would help to insure the assessment time line, which has been tentatively approved by the DTE. They are awaiting all signed contracts To complete the 2012 Re-appraisal. Each of these individuals are being contracted as independent contractors. | | | |
| Explanation for late submittal: | | | |

Contract/Agreement Information:

| |
|--|
| Procurement Method: |
| Explanation for Increase/Decrease in \$ Amount for current request: |

Financial Information:

| |
|--|
| |
|--|

| | |
|---------------------------------|--|
| Funding source: Other | Explanation: Assessment fund |
|---------------------------------|--|

Total Amount Requested:
\$

ATTACHMENTS:

Click to download

- [barnes/w9 rec.camp.terr](#)
- [lassiter/w9 rec.camp.ter](#)
- [lassiterevaluation](#)
- [barnesevaluation](#)
- [price-w9 rec.camp.terr](#)
- [price evaluation](#)
- [Appraisers](#)
- [Additional appraiser](#)
- [Score Sheet](#)

History

Time

7/25/2011 2:18 PM

Who

Office of Procurement &
Diversity

Clerk of the Board

Approval

Yes

Cuyahoga County 2012 Sexennial Reappraisal

Office of Human Resources Documentation

| Independent Contractor | Sort | License Status | Minimum Quals | Background Comments | Interview Score | Interview Comments | Advance to Pre-screening | Passed Pre-Screen | Completed Paperwork/ Comments |
|------------------------|-------------|----------------|---------------|---------------------|-----------------|--|--------------------------|-------------------|-------------------------------|
| 1 Barnes, William | Residential | Certified Res. | Yes | | 69 | Honest, qualified, knowledgeable of Cuy County | Yes / Res | Yes | Yes |
| 2 Kovacic, Erin | Residential | Licensed Res. | Yes | | 71 | Experienced, ready to go | Yes / Res | Yes | |
| 3 Lassiter, Ruth | Residential | Certified Res. | Yes | | 75 | | Yes / Res | Yes | Yes |
| 4 Price, Nancy | Residential | Certified Res. | Yes | | 73 | Experienced, qualified. Motivated | Yes / Res | Yes | Yes |
| 5 Gober, Anthony | Residential | Licensed Res. | Yes | | 75 | | Yes / Res | Yes | Yes |

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0245

| | |
|--|---|
| Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Cuyahoga Support Enforcement Agency | A Resolution proclaiming the month of August 2011 as Child Support Awareness Month in Cuyahoga County: Love and Support Complete the Child, and declaring the necessity that this Resolution become immediately effective. |
|--|---|

WHEREAS, the Cuyahoga Support Enforcement Agency has more than 145,000 cases impacting over 470,000 men, women and children in Cuyahoga County and beyond. They are leading the State of Ohio once again with total collections in the 2010 calendar year totaling over \$237,000,000 in Cuyahoga County; and

WHEREAS, the Cuyahoga Support Enforcement Agency's total collections the first six months of 2011 average more than \$990,000 per day; and

WHEREAS, the Cuyahoga Support Enforcement Agency, in observance of Child Support Awareness Month, will host the Fourth Annual StreetFest on Monday, August 1st on East 17th Street between Payne and Superior Avenue from 10:00 a.m. until 2:00 p.m.; and

WHEREAS, the Cuyahoga Support Enforcement Agency will offer a Drivers License Amnesty Program throughout the month of August allowing those who have had their driver's license suspended for the first time for failure to pay child support to be reinstated by paying one month's total child support obligation plus \$50 toward arrears; and;

WHEREAS, the Cuyahoga Support Enforcement Agency will unveil the updated CSEA Mission statement in the lobby of the Virgil Brown Building Superior Avenue lobby: "We are committed to the best interests of the children in our community by ensuring the financial responsibility of parents, supporting child well being, and promoting healthy relationships."

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

SECTION 1. That the Cuyahoga County Executive and Cuyahoga County Council hereby proclaim August 2011 to be Child Support Awareness Month: "Love and Support Complete the Child."

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

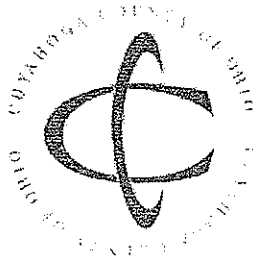
County Executive

Date

Clerk of Council

Date

Journal CC003
August 9, 2011



Item Details:

| | | | |
|---|-------------------------------------|--------------------------------|--------------|
| Agency/Dept. Name: | Cuyahoga Support Enforcement Agency | Agency/Dept. Head Name: | Russell Kaye |
| Type of Request: | Other | | |
| Request Prepared by: | Carol A. Bilski | Telephone No. | 216.443.5216 |
| SUMMARY OF REQUESTED ACTION: | | | |
| <p>Acting Director, Russell Kaye is requesting authorization to declare the month of August as Child Support Awareness Month. This year's statewide theme is "Love and Support Complete the Child". Cuyahoga County has over 145,000 cases impacting over 470,000 men, women and children and leads the State with total collections in 2010 totaling over \$237,000,000. In observance of Child Support Awareness Month CSEA will Host the Fourth Annual StreetFest on Monday, August 1st on East 17th Street between Payne and Superior Avenue from 10:00 a.m. until 2:00 p.m ; Offer a Drivers License Amnesty Program throughout the month of August allowing those who have had their driver's license suspended for the first time for failure to pay child support to be reinstated by paying one month's total child support obligation plus \$50 toward arrears and unveil the updated CSEA Mission statement in the lobby of the Virgil Brown Building Superior Avenue lobby</p> | | | |
| PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): | | | |
| Explanation for late submittal: | | | |

Contract/Agreement Information:

| |
|--|
| Procurement Method: |
| Explanation for Increase/Decrease in \$ Amount for current request: |

Financial Information:

| | |
|--------------------------------|---------------------|
| Funding source: | Explanation: |
| Total Amount Requested: | |

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0246

| | |
|---|--|
| <p>Sponsored by: County Executive FitzGerald/Department of Law</p> | <p>A Resolution authorizing the County Executive to enter into a Mutually Agreed to Dispute Settlement Procedure with American Federation of State, County and Municipal Employees (AFSCME), Ohio Council 8 and Local 1746, AFL-CIO to extend the parties collective bargaining agreement through 10/31/2011 and for successive 10-day periods thereafter unless either the County or AFSCME terminates said contract extension by providing at least 5-days advanced notice in writing; and declaring the necessity that this Resolution become immediately effective.</p> |
|---|--|

WHEREAS, the County and the American Federation of State, County and Municipal Employees, Ohio Council 8, Local 1746, AFL-CIO (hereinafter collective referred to as "AFSCME") are parties to a collective bargaining agreement covering approximately 1300 employees in various classifications at the Department of Health and Human Services;

WHEREAS, the County and AFSCME are engaging in collective bargaining negotiations for the purpose of entering into a successor collective bargaining agreement; and,

WHEREAS, O.R.C. 4117.14 (E) of the Public Employees Collective Bargaining Act expressly authorizes parties to enter into a mutually agreed upon dispute settlement procedure; and,

WHEREAS, the County and AFSCME have determined that it would be in the best interest of the parties to enter into a mutually agreed upon dispute settlement procedure that contains: (1) an extension of the collective bargaining agreement, and (2) a procedure and time frame for the completion of collective bargaining negotiations; and,

WHEREAS, it is necessary that this resolution become immediately effective to ensure the efficient operation of a County Department.

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

SECTION 1. The County Executive is hereby authorized to enter into the proposed Mutually Agreed To Dispute Settlement Procedure between the County and AFSCME to negotiate a successor collective bargaining agreement covering approximately 1300 employees of the Department of Health and Human Services in various classifications and calling for an extension of the parties' collective bargaining agreement until October 31, 2011 and for successive ten day periods thereafter unless either the County or AFSCME terminate said contract extension by providing at least five calendar days notice in writing to the other party.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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.

SECTION 3. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011

Mutually Agreed to Dispute Settlement Procedure

Parties: This agreement is entered by and between Cuyahoga County (hereinafter referred to as the "County") and the American Federation of State, County and Municipal Employees, Ohio Council 8 and Local 1746, AFL-CIO (hereinafter collectively referred to as "AFSCME"). The County and AFSCME are hereinafter collectively referred to as "the parties."

Factual Background: AFSCME represents a group of County employees of the Department of Human Services. The parties are engaged in collective bargaining negotiations for a successor collective bargaining agreement. The parties desire to ensure a peaceful resolution of negotiations and therefore adopt the procedure outlined in this Agreement to facilitate resolution of all issues. This Mutually Agreed to Dispute Settlement Procedure is entered into pursuant to Ohio Revised Code 4117.14(C) and (E).

Terms:

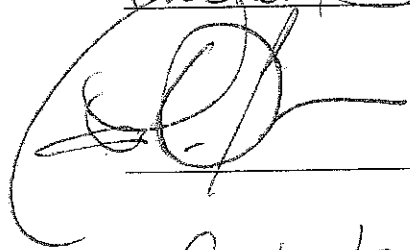
1. The terms of the July 1, 2008 - June 30, 2011 collective bargaining agreement shall be extended and remain in full force and effect until October 31, 2011, and for successive ten day periods thereafter unless either the County or the Union terminate said contract extension by providing at least five calendar day notice in writing to the other party.
2. The parties shall continue to negotiate over unresolved issues on mutually agreed upon dates and places until the parties adopt a successor agreement or until the adoption or rejection of a fact-finding report, to be issued no later than October 24, 2011.
3. At any time during the process, either party may request the assistance of a mediator. Following the execution of this Agreement, the parties shall promptly request that a mediator be appointed from the Federal Mediation and Conciliation Service to be available should the need arise.
4. In the event that the parties are unable to reach an agreement by October 1, 2011, either party may request that all unresolved issues be submitted to fact-finding. Upon execution of this agreement the parties will select a mutually agreed upon fact-finder and obtain dates for a fact-finding hearing, if necessary, to take place no later than October 14, 2011. The fact-finder shall submit his findings and recommendations to the State Employment Relations Board and to the parties no later than Monday, October 24, 2011.
5. Except as expressly modified herein, the provisions of R.C. 4117.14(C) (4), (5) and (6) (and corresponding provisions of the Ohio Administrative Code) shall govern the fact-finding process and rules for issuance and acceptance or rejection of the fact-finding report (and are incorporated by reference).

6. This Agreement contains the entire agreement between the parties and no other promise, term or condition shall be binding unless it is set forth in writing and is signed by all parties

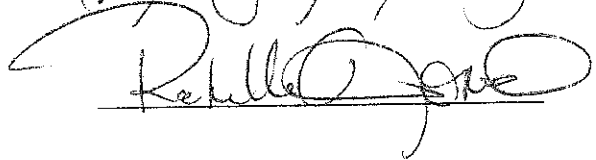
The Parties hereby acknowledge and warrant that they understand and agree to each and every term of this Mutually Agreed to Dispute Settlement Procedure and they affix their signatures below to indicate their assent.

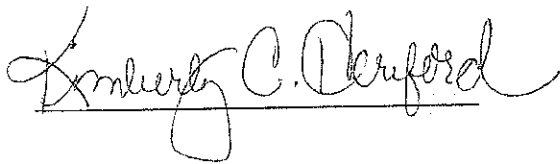
FOR THE UNION:

FOR THE COUNTY:

Michael Bann


Edward FitzGerald, County Executive

Sally K. McHugh


Kimberly C. Derford


County Council of Cuyahoga County, Ohio

Resolution No. R2011-0247

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution declaring that public convenience and welfare requires repair and resurfacing of Madison Avenue from Riverside Drive to West 117 th Street in the City of Lakewood; total estimated construction cost \$2,600,000.00; and authorizing the County Executive to enter into an agreement of cooperation with City of Lakewood in connection with said project. |
|---|--|

WHEREAS, the County Executive/Department of Public Works has recommended that the public convenience and welfare require the repair and resurfacing of Madison Avenue from Riverside Drive to West 117th Street in the City of Lakewood; total estimated construction cost \$2,600,000.00; and,

WHEREAS, the apportionment of estimated costs is \$250,000.00 County, and \$350,000.00 City of Lakewood; and,

WHEREAS, the City of Lakewood will be responsible for all design costs and will administer the construction contract; and,

WHEREAS, it is anticipated that this project will be bid in 2012.

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

SECTION 1. That the public convenience and welfare require the repair and resurfacing of Madison Avenue from Riverside Drive to West 117th Street in the City of Lakewood.

SECTION 2. The County Executive/Department of Public Works is authorized to prepare and execute the necessary agreement of cooperation by and between the County of Cuyahoga, Ohio, and the City of Lakewood.

SECTION 3: It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

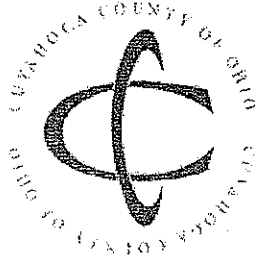
Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 2011



Item Details:

| | | | |
|-----------------------------|----------------------|--------------------------------|-------------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Jamal Husani, P.E |
| Type of Request: | Authority To Prepare | | |
| Request Prepared by: | Fred Whatley | Telephone No. | 348-3840 |

SUMMARY OF REQUESTED ACTION:

The Public Works Department recommending that Council: 1) find that the public convenience and welfare require the repair and resurfacing of Madison Ave. (CR-61) from Riverside Dr. to West 117th Street in the City of Lakewood; and, 2) authorize the County Executive to enter into and execute the necessary agreements of cooperation with the City of Lakewood for this project.

The estimated cost of construction is as follows:
County \$250,000.00
City of Lakewood \$2,350,000.00
Total Estimated Cost \$2,600,000.00

The City will be responsible for all design costs and will administer the construction contract.

For all of the foregoing reasons, the Public Works Department recommends that Council: 1) find that the public convenience and welfare require the repair and resurfacing of Madison Ave (CR-61) from Riverside Dr. to West 117th Street in the City of Lakewood; and, 2) authorize the County Executive to enter into and execute the necessary agreements of cooperation with the City of Lakewood for this project.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/Outcome - That the County will contribute up to a maximum of \$250,000.00 to the repair and resurfacing of Madison Ave. from Riverside Dr. to West 117th Street in the City of Lakewood

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:
Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: **Explanation:**
Other
Total Amount Requested:
\$

ATTACHMENTS:

[Click to download](#)
No Attachments Available

| History | Who | Approval |
|----------------|--------------------|-----------------|
| Time | Clerk of the Board | |



County Council of Cuyahoga County, Ohio

Resolution No. R2011-0248

| | |
|--|---|
| <p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</p> | <p>A Resolution authorizing the County Executive to enter into an agreement in an amount equal to the approved appraisal fair market value estimate of \$53,710.00 for settlement of property rights in connection with replacement of Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and Village of Linndale for Parcel Nos. 3S (Permanent Sewer Easement) and 3T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.</p> |
|--|---|

WHEREAS, the County Engineer has undertaken the project to replace Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and the Village of Linndale, PID No. 24106; and

WHEREAS, the replacement of Bellaire Road Bridge No. 24 requires the permanent taking of a sewer easement covering 2,112 sq. ft. of property, including an existing vacant structure and a gravel parking lot, and further requires a temporary taking of 1,210 sq. ft. for the purposes of construction and grading for a duration of 18 months; and

WHEREAS, the parcel, the permanent taking, and the temporary taking were appraised by Thomas A. Roe, and the fair market value of the entire take was \$53,710.00; and

WHEREAS, this amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and was agreed upon by the property owner Oather Page, Jr., Administrator of the Estate of Oather Page a/k/a Oather Harold Page, Sr.; and

WHEREAS, the property owner has agreed to accept the fair market value amount of \$53,710.00 as compensation for the permanent and temporary taking of the property.

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

SECTION 1. That the County Executive is hereby authorized to pay \$53,710.00 to Oather Page, Jr., Administrator of the Estate of Oather Page a/k/a Oather Harold

Page, Sr., as settlement for property rights concerning a permanent taking of a structure, gravel parking lot, in addition to a temporary taking of land in connection with the replacement of Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and Village of Linndale.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 2011



Item Details:

| | | | |
|-----------------------------|----------------------|--------------------------------|--------------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Jamal Husani, P.E. |
| Type of Request: | Award Recommendation | | |
| Request Prepared by: | Fred Whatley | Telephone No. | 348-3840 |

SUMMARY OF REQUESTED ACTION:

Public Works Department recommending an award of \$53,710.00 as settlement for property rights in connection with the replacement of Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and the Village of Linndale, PID No. 24106. This award is equal to the fair market value as determined by an ODOT pre-qualified real estate appraiser.

The award is for the permanent taking of a sewer easement covering 2,112 sq. ft. of property, including an existing structure used as a bar which has been closed since at least the death of the property owner, Oather Page, Sr., on September 8, 2008, and an existing gravel parking lot. There is also a temporary taking of 1,210 sq. ft. for the purposes of construction and grading, with the taking lasting 18 months.

Unique to this taking is the fact that the structure, built in 1938, sits over the culvert-type bridge, and a portion of the building's foundation is built upon the culvert-type bridge; thus, the structure must be taken completely for the project to proceed.

Attached hereto are the following: 1) the first three pages of the appraisal of the take, prepared by Thomas A. Roe, determining that the fair market value of the entire take of Parcels 3-S and 3-T equals \$53,710.00; 2) the agreement signed by Oather Page, Jr., Administrator of the Estate of Oather Page a/k/a Oather Harold Page, Sr., agreeing to take \$53,710.00 as compensation for the County's acquisition of Parcels 3-S and 3-T; 3) a copy of the "Entry Appointing Fiduciary; Letters of Authority" wherein Oather Harold Page, Jr., is named the Fiduciary for the estate; and, 4) the W-9 of the Estate of Oather H. Page, Sr.

Parcel Nos.: 3-S and 3-T

Owner: The Estate of Oather H. Page Sr
Address of property acquired: 11026 Bellaire Road
Cleveland, Ohio 44111
Appraised Fair Market Value: \$53,710.00

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/Outcome - To fairly and equitably compensate property owner for land and structure acquisition required for the replacement of Bellaire Road Bridge No. 24 over Big Creek in the City of Cleveland and the Village of Linndale.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

| | |
|------------------------|---------------------|
| Funding source: | Explanation: |
| Other | Road and Bridge |

Total Amount Requested:
\$

ATTACHMENTS:

Click to download

- [Appraisal](#)
- [Agreement](#)
- [Fiduciary Letters of Authority](#)
- [W-9](#)
- [Requisition](#)

History

Time

Who

Approval

Clerk of the Board

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0249

| | |
|---|---|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$200.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 123I (Temporary Easement); and declaring the necessity that this Resolution become immediately effective. |
|---|---|

WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 1,213 sq. ft. from property owners Edward J. and Alyssa M. Keeny, Cuyahoga County Probate Court, Case No. 2009 ADV 0150016, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the temporary taking was originally appraised on 12/11/08 at \$650.00. This amount was offered to the property owners, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$650.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, during settlement negotiations, the property owners agree to accept an additional \$200.00 in compensation for the temporary taking of their property. This amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and far exceeded the cost of proceeding with a jury trial; and

WHEREAS, an additional amount of \$200.00 would lend to a total amount of \$850.00 as full payment for the public right of way taking.

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

SECTION 1. That the County Executive is hereby authorized to pay an additional sum of \$200.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court for the temporary taking of 1,213 sq. ft. from property owners Edward J. and Alyssa M. Keeny, Case No. 2009 ADV 0150016, in

connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 2011



Item Details:

| | | | |
|-----------------------------|-----------------|--------------------------------|--------------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Jamal Husani, P.E. |
| Type of Request: | Other | | |
| Request Prepared by: | Fred Whatley | Telephone No. | 348-3840 |

SUMMARY OF REQUESTED ACTION:

County Public Works Department recommending an award as settlement for property rights for the temporary taking of 1,213 sq. ft. in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M Center Road to the Solon Eastern Corporate Line, in the City of Solon, PID #79457, Federal Project #E080298.

Parcel: 123T (Temporary Easement)
Owners: Edward J. and Alyssa M. Keeny
38100 Bainbridge Road
Solon, Ohio 44139

Request for Approval of Appropriation Settlement (additional compensation in the amount of \$200.00). This is a confirmation of settlement in the total amount of \$850.00. The Cuyahoga County Probate Court, Case No. 2009 ADV 0150016. The settlement amount exceeds the FMVE of \$650.00 by \$200.00.

The original value analysis on this parcel was completed on 12/11/08, and was for \$650.00. The property owners would not agree to this amount. Appropriation proceedings were commenced on 8/18/09. When the Complaint for Appropriation was filed, \$650.00 was deposited with the Probate Court.

After filing the appropriation proceeding and in preparation for trial, pre-trial hearings were held and the property owner demanded \$1,650.00 to settle the matter, claiming that two trees were taken and not shown in the value analysis. After review, the two trees were determined to be in the Right-of-Way. The owners subsequently lowered their demand to an additional \$200.00. This amount was agreed to by the parties, subject to approval by ODOT and the Cuyahoga County Council. The settlement amount has been approved for compensation by ODOT (see, "Value Analysis (\$5,000 or Less)" as executed by Daniel J. Dougherty, P.E., Real Estate Administrator, ODOT District 12, attached hereto). This

settlement is reasonable and is far less costly than pursuing any further negotiations, obtaining a full appraisal for trial, and then allowing the case to proceed to a jury verdict.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/outcome - The purpose is to reach a fair and equitable settlement for the property rights acquired in connection with the Bainbridge Road Project

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: **Explanation:**
Other Road and Bridge

Total Amount Requested:
\$

ATTACHMENTS:

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- [Executed ODOT Documents](#)
- [Requisition](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0250

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$8,600.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 58T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 4,857 sq. ft. from property owners Jon and Donna Folstad, Cuyahoga County Probate Court, Case No. 2009 ADV 0148797, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the temporary taking was originally appraised using a value analysis method on 10/30/08 at \$4,200.00. This amount was offered to the property owners, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$4,200.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, in preparation for trial, a full appraisal of the taken was undertaken and the appraisal determined that the amount due the owners was \$12,800.00 based upon additional inclusion of a stone retaining wall that was not previously included. Based upon this new appraisal, the property owners agree to accept the additional fair market valuation of \$8,600.00 in compensation for the temporary taking of their property. This amount has been reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator; and

WHEREAS, an additional amount of \$8,600.00 would lend to a total amount of \$12,800.00 as full payment for the public right of way taking.

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

SECTION 1. That the County Executive is hereby authorized to pay an additional sum of \$8,600.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court for the temporary taking of 4,857 sq. ft. from

property owners Jon and Donna Folstad, Case No. 2009 ADV 0148797, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

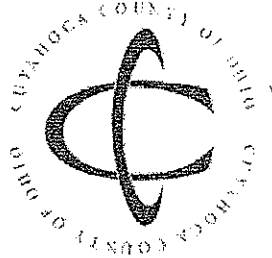
Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 2011



Item Details:

| | | | |
|-----------------------------|-----------------|--------------------------------|-------------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Jamal Husani, P.E |
| Type of Request: | Other | | |
| Request Prepared by: | Fred Whatley | Telephone No. | 348-3840 |

SUMMARY OF REQUESTED ACTION:

County Public Works Department recommending an award as settlement for property rights for the temporary taking of 4,857 sq. ft. of residential land, and the taking of 11 medium sized trees, 5 small sized trees and 210 sq. ft. of stone retaining wall in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon Eastern Corporation Line, in the City of Solon, PID #79457, Federal Project #E080298.

Owners: Jon & Donna Folstad
35900 Bainbridge Road
Solon, Ohio 44139

Request for Approval of Appropriation Settlement (additional compensation in the amount of \$8,600.00). This is a confirmation of settlement in the total amount of \$12,800 00 of Cuyahoga county Probate Court Case No. 2009 ADV 0148797. The settlement amount exceeds the original Value Analysis of \$4,200 00 by \$8,600 00. The settlement amount, however, is **equal (Fair Market Value)** to the updated appraisal completed on March 19, 2010, which was prepared for purposes of trial.

The original value analysis was completed on 10/30/08, and was for \$4,200.00 [see, Executed Value Analysis attached hereto] The owners would not accept this amount. Therefore, a Complaint for Appropriation was filed on 7/10/09. At the same time, a check for \$4,200.00 was filed with the Court.

In preparation for trial, a full appraisal of the taking was undertaken on behalf of the County. The appraisal determined that the amount due the owners for the taking was \$12,800 00 [see, Trial Appraisal attached hereto]. The difference in the amount due

between the Value Analysis and the Appraisal appears to be in the number and value of trees taken as well as the amount due for the stone retaining wall. The settlement amount has been approved for compensation by ODOT [see, Value Analysis as executed by Daniel J Dougherty, P.E., Real Estate Administrator, ODOT District 12, attached hereto]. This settlement is reasonable as it is equal to the amount of the most current appraisal.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/Outcome - To settle the current appropriation litigation in an equitable and efficient manner

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: Explanation:

Total Amount Requested:

\$

ATTACHMENTS:

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- [Executed Value Analysis](#)
- [Trial Appraisal](#)
- [Requisition](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0251

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$250.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 75T (Temporary Easement); and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 1,375 sq. ft. from property owners Louis R. Slosar Trust & Frances B. Slosar, Cuyahoga County Probate Court, Case No. 2009 ADV 0150019, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the temporary taking was originally appraised on 11/20/08 at \$1,150.00. This amount was offered to the property owners, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$1,150.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, during settlement negotiations, the property owners agree to accept an additional \$250.00 in compensation for the temporary taking of their property. This amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and far exceeded the cost of proceeding with a jury trial; and

WHEREAS, an additional amount of \$250.00 would lend to a total amount of \$1,500.00 as full payment for the public right of way taking.

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

SECTION 1. That the County Executive is hereby authorized to pay an additional sum of \$250.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court for the temporary taking of 1,375 sq. ft. from property owners Louis R. Slosar Trust & Frances B. Slosar, Case No. 2009 ADV 0150019, in connection with the grading, draining and paving of Bainbridge Road

(CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

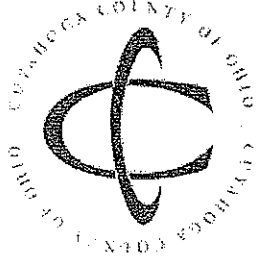
Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 2011



Item Details:

| | | | |
|-----------------------------|-----------------|--------------------------------|--------------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Jamal Husani, P.E. |
| Type of Request: | Other | | |
| Request Prepared by: | Fred Whatley | Telephone No.: | 348-3840 |

SUMMARY OF REQUESTED ACTION:

County Public Works Department recommending an award as settlement for property rights for the temporary taking of 1,375 sq. ft. in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon Eastern Corporate Line, in the City of Solon, PID #79457, Federal Project #E080298.
Parcel: 75T (Temporary Easement)
Owners: Louis R. Slosar Trust & Frances B. Slosar
36380 Bainbridge Road
Solon, Ohio 44139

Request for Approval of Appropriation Settlement (additional compensation in the amount of \$250.00). This is a confirmation of settlement in the total amount of \$1,500.00 The Cuyahoga County Probate Court, Case No. 2009 ADV 0151019 The settlement amount exceeds the FMVE of \$1,250.00 by \$250.00.

The original value analysis on this parcel was completed on 11/20/08, and was for \$1,150.00. The property owners pointed out that a small pine tree and a bush were not included. Upon review, on 4/17/09, an additional \$100.00 was offered, for a total of \$1,250.00. The owners would not agree to this amount. Appropriation proceedings were commenced on 9/18/09 When the Complaint for Appropriation was filed, \$1,250.00 was deposited with the Probate Court

After filing the appropriation proceeding and in preparation for trial, pre-trial hearings were held. The owner requested mediation, with mediation hearings being held in September and December 2010, but without the property owner submitting a demand. The mediation was unsuccessful.

After further discussions, a settlement of \$1,500.00 (\$1,250 deposit plus an additional \$250.00) was agreed to by the parties, subject to approval by ODOT and the Cuyahoga

County Council. The settlement amount has been approved for compensation by ODOT (see, "Value Analysis (\$5,000 or Less)" as executed by Daniel J. Dougherty, P.E., Real Estate Administrator, ODOT District 12, attached hereto). This settlement is reasonable and is far less costly than pursuing any further negotiations, obtaining a full appraisal for trial, and then allowing the case to proceed to a jury verdict.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/outcome - The purpose is to reach a fair and equitable settlement for the property rights acquired in connection with the Bainbridge Road Project.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

| | |
|------------------------|---------------------|
| Funding source: | Explanation: |
| Other | Road and Bridge |

Total Amount Requested:

\$

ATTACHMENTS:

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- [Slosar Executed ODOT documents](#)
- [Requisition](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0252

| | |
|--|---|
| <p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</p> | <p>A Resolution authorizing the County Executive to approve an additional settlement in the amount of \$590.00 in connection with the appropriation of property rights for the grading, draining and paving of Bainbridge Road from S.O.M. Center Road to the Solon East Corporation Line in the City of Solon for Parcel No. 59I (Temporary Easement); and declaring the necessity that this Resolution become immediately effective.</p> |
|--|---|

WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 1,396 sq. ft. from property owner Carol M. Phillips, Cuyahoga County Probate Court, Case No. 2009 ADV 0149256, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the temporary taking was originally appraised on 10/27/08 at \$2,950.00. This amount was offered to the property owner, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$2,950.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, during settlement negotiations, the property owner agreed to accept an additional \$590.00 in compensation for the temporary taking of her property. This amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and far exceeded the cost of proceeding with a jury trial; and

WHEREAS, an additional amount of \$590.00 would lend to a total amount of \$1,500.00 as full payment for the public right of way taking

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

SECTION 1. That the County Executive is hereby authorized to pay an additional sum of \$590.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court for the temporary taking of 1,396 sq. ft. from property owner Carol M. Phillips, Case No. 2009 ADV 0149256, in connection with

the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon.

SECTION 2. It is necessary that this Resolution become immediately effective in order that necessary appropriation court proceedings can proceed to conclusion and the roadway project can be completed. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 2011



Item Details:

| | | | |
|-----------------------------|-----------------|--------------------------------|--------------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Jamal Husani, P.E. |
| Type of Request: | Other | | |
| Request Prepared by: | Fred Whatley | Telephone No. | 348-3840 |

SUMMARY OF REQUESTED ACTION:

County Public Works Department recommending an award as settlement for property rights for the temporary taking of 1,396 sq. ft. in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon Eastern Corporate Line, in the City of Solon, PID #79457, Federal Project #E080298.

Parcel: 59T (Temporary Easement)
Owner: Carol M. Phillips
35830 Bainbridge Road
Solon, Ohio 44139

Request for Approval of Appropriation Settlement (additional compensation in the amount of \$590.00). This is a confirmation of settlement in the total amount of \$3,540.00. The Cuyahoga County Probate Court, Case No. 2009 ADV 0149256. The settlement amount exceeds the FMVE of \$2,950.00 by \$590.00.

The original value analysis on this parcel was completed on 10/27/08 in the amount of \$1,500.00. \$1,450.00 was added to the value analysis when, during negotiations, a review showed the presence of 4 pine trees, 10 bushes, and additional mulch were missed by the original appraiser. This amount was deposited with the Probate Court on July 27, 2009, when the Complaint for Appropriation was filed.

In preparation for trial, pre-trial hearings were held. The owner requested mediation, and two mediation hearings were held, but the owner did not submit a demand during the mediation hearings. After numerous discussions, a settlement of \$3,540.00 (\$2,950.00 plus an additional \$590.00) was agreed to by the parties subject to approval by ODOT and the Cuyahoga County Council and/or Executive.

The settlement amount has been approved for compensation by ODOT (see, "Value Analysis (\$5,000 or Less)" as executed by Daniel J. Dougherty, P.E., Real Estate

Administrator, ODOT District 12, attached hereto). This settlement is reasonable and is far less costly than pursuing any further negotiations, obtaining a full appraisal for trial, and then allowing the case to proceed to a jury verdict.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/outcome - The purpose is to reach a fair and equitable settlement for the property rights acquired in connection with the Bainbridge Road Project

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: **Explanation:**
Other Road and Bridge

Total Amount Requested:
\$

ATTACHMENTS:

Click to download

- [Phillips Executed ODOT documents](#)
- [Requisition](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0253

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing the County Executive to enter into Real Estate Agreement No. 24475 with Ohio Department of Transportation in the amount of \$200,000.00 for partial reimbursement of right-of-way acquisition costs in connection with reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn. |
|---|--|

WHEREAS, the Department of Public Works has submitted a request for authorization and approval of Real Estate Agreement No. 24475 with Ohio Department of Transportation in the amount of \$200,000.00 for reimbursement of right-of-way acquisition costs in connection with the reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn; and

WHEREAS, reimbursement for the cost of compensation to property owners for land and/or property rights acquired by the County for the project will be as follows: Federal Funds - \$75,000.00; Local Funds - \$125,000.00; and,

WHEREAS, since federal funds are being used for the Right-of-Way acquisition phase of the above referenced project, the County must enter into the Real Estate Agreement with ODOT; and,

WHEREAS, the Real Estate Agreement sets forth the acquisition functions to be undertaken by the respective parties, with the Right-of-Way costs to be paid for by the County and applicable costs then being reimbursed through ODOT; and,

WHEREAS, ODOT will review and approve the Department of Public Works' reports and coordinate the reimbursement to the County from federal funds, as outlined in the Agreement.

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

SECTION 1. That the County Executive is hereby authorized to enter into a Real Estate Agreement No. 24475 with Ohio Department of Transportation in the amount of \$200,000.00 for reimbursement of right-of-way acquisition costs in connection with the reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee(s) Assigned:

Journal _____
_____, 2011



Item Details:

| | | | |
|-----------------------------|-----------------|--------------------------------|--------------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Jamal Husani, P E. |
| Type of Request: | Other | | |
| Request Prepared by: | Fred Whatley | Telephone No. | 348-3840 |

SUMMARY OF REQUESTED ACTION:

Department of Public Works is submitting Real Estate Agreement No. 24475 with the Ohio Department of Transportation (ODOT) for approval and for authority for the County Executive to execute. This agreement will provide for the partial reimbursement of right-of-way costs in connection with the reconstruction of Ridge Road from Interstate 480 to Memphis Avenue in the City of Brooklyn

Reimbursement for the cost of compensation to property owners for land and/or property rights acquired by the County for this project will be as follows:

Estimated cost of right-of-way - \$200,000.00

Federal Funds - \$75,000.00

Local Funds - \$125,000.00

Per NOACA policy: First \$50,000.00 - 100% Local Funds

Greater than \$50,000.00 - 50% Federal Funds, 50% Local Funds

Since federal funding is being utilized for the Right-of-Way acquisition phase of the above-referenced project, the County must enter into the Real Estate Agreement with ODOT. The Real Estate Agreement sets forth the acquisition functions to be undertaken by the respective parties. The Right-of-Way costs will be paid for by the County, and applicable costs will then be reimbursed through ODOT. ODOT will review and approve the Department of Public Works reports and coordinate the reimbursement to the County from federal funding as outlined in the Agreement.

for all of the foregoing reasons, the Department of Public recommends that Council approve Real Estate Agreement No. 24475 and authorize the County Executive to execute same.

Resolution 051504 - Adopted 4/14/05 - Declared Convenience and Welfare
Resolution 091702 - Adopted 4/30/09 - Amended 051504

2 SIGNED COPIES REQUIRED TO FORWARD TO ODOT. ODOT WILL EXECUTE AND RETURN 1 EXECUTED COPY TO OUR OFFICE. THIS OFFICE WILL MAKE 1 COPY TO E-MAIL TO CLERK'S OFFICE AND KEEP ORIGINAL FOR OUR FILES.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/Outcome - To have Real Estate Agreement No. 24475 between the County and ODOT approved and executed so that the County can obtain reimbursement for costs of certain property/property rights acquired for the Ridge Road project

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

| Funding source: | Explanation: |
|-----------------|-----------------|
| Other | Road and Bridge |

Total Amount Requested:

\$

ATTACHMENTS:

Click to download

[Real Estate Agreement No. 24475](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0254

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution establishing charges payable for connection to the County's sanitary sewerage system in a portion of County Sewer District No. 13 in the City of Brecksville; and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, in order to preserve and promote the public health and welfare, the Board of County Commissioners of Cuyahoga County, Ohio previously established County Sewer District No. 13 (the "*District*"), adopted a general plan for the sewerage of that District and constructed a system of sanitary facilities therein and may from time to time authorize the construction of extensions of and improvements to that system (such system, together with any extensions and improvements thereto, the "*System*"); and

WHEREAS, the County has financed and will finance the costs of the construction of a pump station and force main project known as Project No. 10-044 (the service area of which is depicted in Exhibit A hereto), in part, by the application of available revenues of the System in the County Sewer District No. 13 Sewer Revenue Fund and, in part, by the incurrence of intergovernmental loans, paid or to be paid, in whole or in part, by the application of available revenues of the System; and

WHEREAS, this Council of the County of Cuyahoga, Ohio (the "*Council*") is authorized by the pertinent provisions of Section 6117.02 of the Revised Code to establish reasonable charges for the privilege of connecting to the sanitary facilities of the District and the terms upon which those charges may be paid; and

WHEREAS, as an essential part of the County's program for the construction of Project No. 10-044, this Council has determined that it is necessary and appropriate to revise its charges for the privilege of connecting properties to the System that will be served by that Project, with such connection charges to be determined so as to reimburse the County for reasonable costs of inspection and other administrative costs related to the making of connections, to provide additional funds required for the purposes of the System and to distribute as fairly and equitably as possible among the users of the System the cost of providing the System; and

WHEREAS, the connection charges to be established herein for the privilege of connecting properties to the System that will be served by Project No. 10-044, in the judgment of this Council, are reasonable and proper, having due regard to all relevant circumstances and conditions.

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

SECTION 1. Definitions. For the purposes of this Resolution and the effective application and enforcement thereof, the following terms as used herein shall be deemed to have the meanings indicated:

- (1) "Connection" means the direct or indirect connection of any Service Sewer to the System.
- (2) "Connection Charge" means the fee to be collected by the County for a connection to the System of a property that will be served by Project No. 10-044.
- (3) "County" means the County of Cuyahoga, Ohio.
- (4) "Industrial Wastes" means water-carried and liquid wastes from industrial or commercial processes, as distinct from Sanitary Sewage.
- (5) "Intercepting or Trunk Sewer" means those sections of the System that intercept Sewage and Wastes from other Intercepting or Trunk Sewers or Local Sewers and transport such Sewage and Wastes.
- (6) "Local Sewers" means those sections of the System, less than eighteen inches in diameter, that are designed and constructed to collect Sewage and Wastes from Service Sewers and that transport such Sewage and Wastes to other Local Sewers or to the Intercepting or Trunk Sewers, such Sewers providing local service.
- (7) "Permit" means the permission granted by the Sanitary Engineer for a building, structure or other facility to be connected, directly or indirectly, to a public sewer of the System for the purpose of discharging Sewage or Waste.
- (8) "Public sewer" means a sewer in which all owners of abutting properties have equal rights and which is owned or controlled by the County.
- (9) "Sanitary Engineer" means the person performing the duties of a county sanitary engineer under Chapter 6117 of the Revised Code, or his or her designated representative, currently the Director of Public Works, successor to the County Engineer.
- (10) "Sanitary Sewage" means Sewage discharging from the sanitary conveniences of buildings, structures or other facilities and free from ground, storm and surface water and Industrial Wastes.

- (11) "Service Sewers" means private sewers that collect Sewage and Wastes from buildings, structures or other facilities and transport such Sewage and Wastes to the Local Sewers or directly to the Intercepting or Trunk Sewers.
- (12) "Sewage" and "Waste" means the water-carried wastes from buildings, structures or other facilities, singular or in any combination, together with such ground, surface and storm water as may be present.
- (13) "System" means the County's sanitary facilities in the District, being all of the County's facilities for collecting, pumping and transporting of Sewage and Industrial Wastes in the District.
- (14) "Use Benefits" means the number of units of use benefits considered to be conferred upon any property by virtue of construction of the System to be calculated according to the following schedule:

| TYPE OF USE | USE BENEFITS |
|--------------------------------------|---|
| Single family residence | 1.0 |
| Apartments and Condominiums: | |
| Efficiency and one bedroom | Number of units x .625 |
| Two bedrooms | Number of units x .75 |
| Three bedrooms | Number of units x .875 |
| Bowling Alleys | Number of lanes x .188 |
| Churches (with kitchen) | Number of seats x .013 |
| Factories, industrial establishments | Estimated number of employees x .0875 |
| Food Service: | |
| Ordinary restaurant | Number of seats x .0875 |
| 24-hour | Number of seats x .125 |
| Tavern (limited meal service) | Number of seats x .0875 |
| Drive-In | Number of seats and/or stalls x .125 |
| Hospital | Number of beds x .75 (design capacity) |
| Institutions, resident | Number of residents x .25 (design capacity) |
| Laundry, coin-operated | Number of machines x 1.0 (design capacity) |
| Mobile Home Parks | Number of spaces x .75 |
| Motels, Hotels | Number of rooms x .25 |
| Nursing and Rest Homes | Number of residents x .45 (design capacity) |
| Office Buildings | Number of persons x .05 (design capacity – minimum 5 persons) |
| Shopping Centers | Each 1000 sq. ft. or part thereof of store or building therein not devoted to one of the other uses x .5 (Maximum design-density) |

| | |
|---|------------------------|
| Car Washes: | |
| Manual | Number of stalls x 1.6 |
| Automatic | Number of stalls x 5.3 |
| Drive-thru, automatic (no recirculation) | 33.80 units |
| Drive-thru, automatic (with recirculation) | 5.3 units |

For any use not shown, the number of units shall be determined by the Sanitary Engineer by the use of generally accepted engineering practices and on the basis of anticipated Sewage flows from the property when compared to a single family residence where the flow of 400 gallons per residence per day will be considered as a Use Benefit of one.

SECTION 2. Connection Charge. No person, corporation, public agency, partnership or association whatsoever shall connect or cause or permit to be connected to the System, either directly or indirectly, any building, structure or other facility that will be served by Project No. 10-044, for the purpose of discharging Sanitary Sewage or Industrial Waste without first securing from the Sanitary Engineer a Permit as provided for in this Resolution and paying the connection charge provided for in this Section, and any applicable additional charges determined in accordance with the other provisions of this Resolution.

The Sanitary Engineer shall not issue a Permit until the applicant therefor shall have paid:

- (a) A charge of \$210.00 that is intended to reimburse the County for reasonable expenses of inspection and other administrative costs related to the issuance of the Permit and the making of the connection.
- (b) A connection charge calculated by determining the number of Use Benefits and multiplying the number of Use Benefits by \$6,000.00

The charge as determined under subsection (b) of this Section shall be increased by an amount equal to 3.28% of the initial charge on January 1, 2013 and on the first day of January each year thereafter until January 1, 2032, and such charge as so increased and when added to the charge as set forth in paragraph (a) hereof shall be the total Connection Charge. The charges provided for in this paragraph are designed to offset the effects of inflation and interest costs incurred by the County in constructing Project No. 10-044.

SECTION 3. Payment Terms. The aggregate Connection Charge provided for in this Resolution shall be payable in cash, or by certified check payable to the County, at the time the Permit is applied for.

SECTION 4. Crediting of Payments. All Connection Charges received by the County pursuant to this Resolution shall be placed in the Sewer District No. 13 Sewer Revenue Fund.

SECTION 5. Penalty for Connection without Permit. In the event the Sanitary Engineer shall ascertain that any property has been connected, directly or indirectly, to the System in violation of the provisions of this Resolution, the Sanitary Engineer may impose an additional charge equal to 20% of the aggregate amount otherwise payable pursuant to Section 2 of this Resolution for the connection of that property to the System. If such applicable connection charge and the additional amount imposed pursuant to this Section are not received by the County within 30 days after notice is mailed by first class or certified mail to the owner of the property so connected, the Sanitary Engineer may have the property disconnected until such violation shall cease.

SECTION 6. Provisions Independent. Each Section and paragraph of this Resolution is hereby declared to be independent, and the finding or holding of any section or provision hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or provision of this Resolution.

SECTION 7. Filing with Fiscal Officer. The Clerk of this Council is directed to file a certified copy of this Resolution with the Fiscal Officer of Cuyahoga County not less than twenty days after its adoption.

SECTION 8. Open Meetings. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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.

SECTION 9. Effective Date. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective and shall be in full force and effect upon the signature of the County Executive. No provision of this Resolution shall in any way affect any rights or obligations of the County or any person whose premises have been or will be connected to the System under a permit applied for prior to the effective date of this Resolution.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

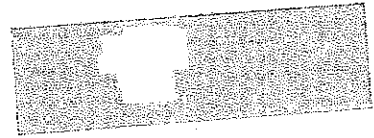
County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011



Item Details:

| | | | |
|---|---------------------------|--------------------------------|-----------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Jamal H. Husani |
| Type of Request: | Agreement/Amendment | | |
| Request Prepared by: | Anastasia McCready- Gilha | Telephone No. | 216-443-8203 |
| SUMMARY OF REQUESTED ACTION: | | | |
| Requesting approval to establish charges payable for connection to the county's sanitary sewerage system in a portion of County Sewer District No. 13. | | | |
| The County has financed and will finance the costs of the construction of a pump station and force main, herein referred to as Project No. 10-044. See Attached Service Map. The connection fees relate to a direct or indirect connection of any private sewer that collect sewage and wastes from buildings and transport the sewage through Local Sewer or Trunk Sewers; declaring the necessity that this resolution become immediately effective. | | | |
| PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): | | | |
| Purpose/Outcomes | | | |
| Approval of connection fees in relationship to Project No. 10-044 to include: Permit Application fee \$210.00. Connection Charge: calculated by determining the Use Benefits and multiplying the number by \$6000.00. This fee will increase on January 1, 2013 by 3.28% on the initial charge and the first day of January every year until January 1, 2021. See attachment for Use Benefits Fee. | | | |
| Explanation for late submittal: | | | |

Contract/Agreement Information:

| |
|----------------------------|
| Procurement Method: |
|----------------------------|

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: **Explanation:**
Total Amount Requested:
\$

ATTACHMENTS:

Click to download

- [Snowville Dewey Service Map 6-20-11.pdf](#)
- [Resolution Snowwill Dewey](#)

History
Time

Who
Clerk of the Board

Approval

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County Council of Cuyahoga County, Ohio

Resolution No. R2011-0255

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution establishing a capital cost surcharge for construction of a pump station and sanitary sewer lines in Echo Hills Subdivision, located in County Sewer District No. 13, in the City of Brecksville; and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, in order to preserve and promote the public health and welfare, the Board of County Commissioners of Cuyahoga County, Ohio previously established County Sewer District No. 13, adopted a general plan for the sewerage of that District and constructed a system of sanitary facilities therein and may from time to time authorize the construction of extensions of and improvements to that system (such system, together with any extensions and improvements thereto, the "*System*"); and

WHEREAS, the County is constructing a pump station and sanitary sewer lines (the "*Improvements*") in the Echo Hills Subdivision located in Sewer District No. 13 (as depicted in Exhibit A hereto) to benefit residents of the Echo Hills Subdivision that are connected or will connect to the System by providing more efficient and safer sanitary sewerage service to those residents; and

WHEREAS, the County will finance the costs of construction of the Improvements, in part, by the incurrence of intergovernmental loans to be paid by the application of available revenues of the System; and

WHEREAS, this Council of the County of Cuyahoga, Ohio (the "*Council*") is authorized by the pertinent provisions of Section 6117.02 of the Revised Code to establish reasonable charges for the maintenance and operation of the System, including construction of the Improvements; and

WHEREAS, this Council has determined that it is necessary to impose a capital cost surcharge on the residents of the Echo Hills Subdivision that are connected or will connect to the System and that thereby will benefit from the Improvements, which capital cost surcharge will be collected together with sewer maintenance and sewer treatment charges imposed on those residents by the rate resolution adopted by the Board of County Commissioners of Cuyahoga County on July 23, 2009, so as to reimburse the County for a portion of its costs of constructing the Improvements; and

WHEREAS, the capital cost surcharge to be established herein, in the judgment of this Council, is reasonable and proper, having due regard to all relevant circumstances and conditions;

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

SECTION 1. Capital Cost Surcharge. In addition to the sewer maintenance and sewer treatment charges payable by residents of the System pursuant to the rate resolution adopted by the Board of County Commissioners of Cuyahoga County on July 23, 2009 and as imposed from time to time, every person whose premises are located in the Echo Hills Subdivision and are served by a connection to the System, shall pay an annual capital cost surcharge of \$150.00 for a period of 20 years, first commencing in calendar year 2012, payable semiannually on the first business day of January and July in installments of \$75.00 per payment (the "Echo Hills Surcharge"), to reimburse the County, in part, for the costs of the construction of the Improvements.

Any Echo Hills Surcharge that is not paid when due shall be certified to the Fiscal Officer of Cuyahoga County as provided by law, for collection.

SECTION 2. Payment Terms. The Echo Hills Surcharge provided for in this Resolution shall be collected together with the sewer maintenance and sewer treatment charges imposed by the rate resolution adopted by the Board of County Commissioners of Cuyahoga County on July 23, 2009 as the same may be amended and supplemented from time to time.

SECTION 3. Provisions Independent. Each Section and paragraph of this Resolution is hereby declared to be independent, and the finding or holding of any section or provision hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or provision of this Resolution.

SECTION 4. Filing with Fiscal Officer. The Clerk of this Council is directed to file a certified copy of this Resolution with the Fiscal Officer of Cuyahoga County not less than twenty days (20) after its adoption.

SECTION 5. Open Meetings. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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.

SECTION 6. Effective Date. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective and shall be in full force and effect upon the signature of the County Executive.

On a motion by _____, seconded by _____, the foregoing Resolution was duly adopted.

Yeas:

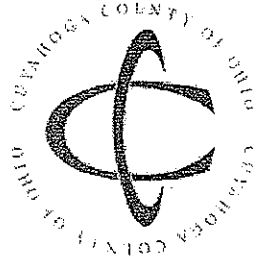
Nays:

County Council President Date

County Executive Date

Clerk of Council Date

Journal _____
_____, 2011



Item Details:

| | | | |
|-----------------------------|--------------------------|--------------------------------|-----------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Jamal H. Husani |
| Type of Request: | Agreement/Amendment | | |
| Request Prepared by: | Anastasia McCready-Gliha | Telephone No. | 216-443-8203 |

SUMMARY OF REQUESTED ACTION:

Requesting approval to establish a capital costs surcharge for the construction of a pump station and sanitary sewer lines in the Echo Hills subdivision in County Sewer District No. 13; declaring the necessity that this resolution become immediately effective.

The County is constructing a pump station and sanitary sewer lines in the Echo Hills Subdivision based on the NPDES (National Pollution Discharge Elimination System) Permit in compliance with the provision of the Federal Water Pollution Control Act, as amended (33 U.S. C. 1251 et seq., hereinafter referred to as the "Act"), and the Ohio Water Pollution Control Act (Ohio Revised Code Section 6111), Part 1C-B1-Schedule of Compliance, "...the pump station and force main that will eliminate the discharge from the Echo Hills WWTP".

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/Outcome

The County will finance the costs of construction of the Improvements, in part, through intergovernmental loans to be paid by revenues from Sewer District No. 13. The Council has imposed a capital cost surcharge of \$150 annually for 20 years, on the residents of the Echo Hills Subdivision that are connected or will be connected to the System, thus benefiting from the improvements. The "Echo Hills Surcharge" payment of \$75 will be collected semiannually in January and July. The capital costs surcharge will be collected together with sewer maintenance and sewer treatment charges imposed on those residents by the rate resolution adopted by the Board of County Commissioners of Cuyahoga County on July 23, 2009, Resolution No. 033107, so as to reimburse the County for a portion of its costs of constructing said improvements.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: Explanation:

Total Amount Requested:

\$

ATTACHMENTS:

Click to download

- [Fixing Rate](#)
- [Echo Hills Service Map](#)
- [Resolution Echo Hills](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0256

| | |
|--|---|
| <p>Sponsored by: County Executive FitzGerald/ Department of Development</p> | <p>A Resolution authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not-to-exceed \$6,000,000.00 for Puritas Avenue Associates, L.P. for the purpose of rehabilitating, improving and equipping a housing facility for low and moderate income families; authorizing the execution and delivery of a loan agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.</p> |
|--|---|

WHEREAS, the County of Cuyahoga, Ohio (the "*County*"), a county and political subdivision in and of the State of Ohio (the "*State*"), is authorized and empowered by virtue of the laws of the State, including without limitation, Article VIII, Section 16 of the Ohio Constitution and Section 133.51 of the Ohio Revised Code (collectively, the "*Act*"), among other things, to: (i) acquire, finance, refinance, construct, renovate, improve and equip real and personal property to provide for senior housing and multifamily housing; (ii) issue its revenue bonds for the purpose of paying the costs thereof; (iii) enter into a loan agreement to provide for the loan of the proceeds of and revenues to pay the principal of and interest and any premium on those revenue bonds; (iv) secure those revenue bonds by the pledge and assignment of payments made to it under the loan agreement, and (v) adopt this Resolution, to enter into the Issuer Documents (as hereinafter defined), and to execute and deliver certain other statements, documents and instruments upon the terms and conditions provided in this Resolution and those documents and instruments; and

WHEREAS, this Council of the County of Cuyahoga, Ohio (the "*Council*"), pursuant to the foregoing authority and at the request of, and based upon the representations of, Puritas Avenue Associates Limited Partnership, an Ohio limited partnership (the "*Borrower*"), has determined that it is willing to authorize the issuance and sale of the County's Housing Revenue Bonds, Series 2011 in the maximum principal amount of \$6,000,000 to finance costs of rehabilitating, improving and equipping real and personal property located in the City of Cleveland to be used as an affordable multifamily housing facility containing approximately 150 units, to be owned by the Borrower (the "*Project*"), and in connection with that issuance and sale, to adopt this Resolution, to enter into the

Issuer Documents and to execute and deliver certain other statements, documents and instruments upon the terms set forth in this Resolution and those documents and instruments; and

WHEREAS, the Bonds will be issued pursuant to the provisions of the Act and a Trust Indenture (the "*Indenture*"), by and between the County and The Huntington National Bank, as trustee (the "*Trustee*"); and

WHEREAS, the operation of the Project will be subject to the provisions of a Regulatory Agreement and Declaration of Restrictive Covenants by and among the County, the Trustee, and the Borrower (the "*Regulatory Agreement*") and other tax-related agreements which are intended to ensure the excludability of interest on the Bonds from the gross income of the owners of the Bonds for federal income tax purposes; and

WHEREAS, the Bonds shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of moneys raised by taxation or the faith and credit of the County, the State or any political subdivision thereof, and the holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by this Council or the County, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges or any other costs of the Project, and the Bonds will be payable solely from revenues of the Project and other monies available to the Borrower; and

WHEREAS, providing for the financing of the Project will confer a public benefit and serve the public interest by lowering the cost of maintaining, and expanding available housing opportunities for low and moderate income senior residents in the County, all in accordance with, and in furtherance of, the purposes of the Act.

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

SECTION 1. Definitions and Interpretations. All words and terms used herein as defined words and terms but not otherwise defined herein shall have the respective meanings given to them in the Indenture unless the context or use clearly indicates another or different meaning or intent:

"*Authorized Denominations*" means a denomination of \$5,000 or any whole multiple thereof.

"*Bond Counsel*" means the firm of Squire, Sanders & Dempsey (US) LLP or another firm of attorneys nationally recognized as having expertise with respect to the validity of obligations of states, political subdivisions and other public bodies and the treatment for federal income taxation of interest on those obligations.

“*Bond Purchase Agreement*” means the Bond Purchase Agreement among the Issuer, the Borrower and the Original Purchaser in connection with the sale and delivery of the Bonds.

“*Code*” means the Internal Revenue Code of 1986, the Treasury Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a section of the Code includes any applicable successor section or provision and the applicable Treasury Regulations, rulings, announcements, notices, procedures and determinations pertinent to that section.

“*County Executive*” means the County Executive of the County.

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of book entry interests in the Bonds, and to effect transfers of book entry interests in the Bonds, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Fiscal Officer*” means the Fiscal Officer of the County.

“*Issuer Documents*” means the Indenture, the Loan Agreement, the Regulatory Agreement and the Bond Purchase Agreement.

“*Loan Agreement*” means the Loan Agreement, dated as of the date of the Indenture, between the County and the Borrower.

“*Original Purchaser*” means The Sturges Company, Dublin, Ohio.

Any reference to this Council, the County or to its members or officers, or to other public officers, boards, commissions, departments, institutions, agencies, bodies or entities, shall include those which succeed to their functions, duties or responsibilities by operation of law and also those who at the time may legally act in their place.

Any reference to a section or provision of the Ohio Constitution or the Ohio Revised Code or other laws of the State shall include such section, provision and laws as may from time to time be amended, modified, revised or superseded, provided that no amendment, modification, revision, supplement or superseding section, provision or chapter shall be applicable solely by reason of this provision if it constitutes in any way an impairment of the rights or obligations of the County, the Holders, the Trustee, this Resolution, the Bonds, or any other instrument or document entered into in connection with any of the foregoing.

SECTION 2. Authorization of the Bonds. Based upon the representations of the Borrower, this Council finds and determines that (A) it is necessary to, and the County shall, issue, sell and deliver, as provided and authorized herein and pursuant to the Act, self-supporting housing revenue bonds (the "Bonds") of the County in an aggregate principal amount not to exceed \$6,000,000, for the purpose of paying (i) costs of rehabilitating, improving and equipping the Project, (ii) interest to accrue on the Bonds from their date and during the estimated construction and renovation period of the Project, and (iii) certain costs associated with the issuance of the Bonds; and (B) the Project and the financing thereof by the issuance of the Bonds will further the public purpose of better providing adequate housing in this County and the State and improving the economic and general well-being of the people of the County and the State. The Bonds shall be designated "County of Cuyahoga, Ohio Multifamily Housing Revenue Bonds, Series 2011 (Hawks Landing Apartments Project)," or such other designation as is set forth in the Indenture.

SECTION 3. Terms and Provisions of the Bonds

(a) Bond Terms. The Bonds shall (i) be issuable only in fully registered form and substantially as set forth in the Indenture; (ii) be exchangeable only for Bonds of the same series in Authorized Denominations, as provided in the Indenture; (iii) be numbered in a manner determined by the Trustee which will distinguish each Bond of a series from each other Bond of that series; (iv) be dated as set forth in the Indenture, provided that such date shall not be later than December 31, 2011; (v) bear interest from the most recent date to which interest has been paid or duly provided for, or if no interest has been paid or duly provided for, from their date of delivery, at the rates set forth in the Indenture, provided that the rates for the Bonds shall not exceed 7% per year (computed on a 360-day per year basis); (vi) payable on the interest payment dates set forth in the Indenture and the Indenture; (vii) be subject to optional redemption, extraordinary optional redemption and mandatory redemption, including mandatory sinking fund redemption, in accordance with the Indenture; and (viii) mature, subject to prior redemption as set forth above, on the dates set forth in the Indenture, the final maturity date of which shall not exceed 30 years from their date of delivery.

(b) Method of Payment; Paying Agents. The principal of and any premium and interest on the Bonds (the "*Bond Service Charges*") shall be payable as provided in the Indenture without deduction for the services of any paying agent. The Trustee initially shall be paying agent for the Bonds and may designate additional paying agents as provided in the Indenture.

(c) Execution. The Bonds shall be signed by the County Executive. Neither the County Executive, the members of this Council nor any person executing the Bonds shall be liable personally on the Bonds by reason of issuance thereof. In case the County Executive shall cease to be in office before the issuance or delivery of the Bonds, such signature or facsimile thereof shall nevertheless be

valid and sufficient for all purposes, the same as if he or she had remained in office until after that time.

(d) Book-Entry System. The Bonds are permitted, but not required, to be issued to the Depository for holding in a book-entry system as provided in the Indenture, as the official(s) or member(s) executing and delivering the Indenture shall approve in the manner described in and under authority of Section 8 hereof.

SECTION 4. Sale of the Bonds.

(a) Generally. The Bonds are sold and awarded to the Original Purchaser on such terms that are in accordance with the Act, are authorized or not inconsistent with this Resolution, are not materially adverse to the County, and as are provided for or specified in the Bond Purchase Agreement. The purchase price for the Bonds may not be less than 98% of the aggregate principal amount of the Bonds (or, if the Bonds are sold at any original issue discount, 98% of the amount resulting from the subtraction of the aggregate net original issue discount from the aggregate original principal amount of the Bonds), plus any interest accrued on Bonds from their date to their delivery date. The original issue discount, if any, shall not exceed in the aggregate 5%. The County Executive, or the Fiscal Officer at the direction of the County Executive, are authorized and directed to execute the Bond Purchase Agreement, in order to provide for the definitive terms and terms of sale and award to the Original Purchaser of the Bonds as provided in this Resolution, but in any event not later than December 31, 2011. The Bond Purchase Agreement shall not be inconsistent with this Resolution, and shall be approved by the County Executive, or the Fiscal Officer at the direction of the County Executive, their execution of the Bond Purchase Agreement to constitute conclusive approval, and a finding that the terms are not materially adverse to the County, on behalf of the County.

The County Executive, the Clerk of this Council and the Fiscal Officer are authorized and directed, alone or together, to make the necessary arrangements, as directed by the Trustee and upon the advice of Bond Counsel, with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchaser. The County Executive is further authorized and directed to make the necessary arrangements for the printing of the Bonds and the execution, authentication and delivery of the Bonds to the Original Purchaser under the terms of this Resolution, the Indenture and the Bond Purchase Agreement.

(b) Official Statement. The County hereby consents to the use and distribution by the Original Purchaser of an offering document, in its preliminary and final forms, relating to the original issuance of the each series of Bonds. Except to the extent described in the Bond Purchase Agreement, the County has not confirmed, and assumes no responsibility for, the truthfulness, accuracy, completeness, sufficiency or fairness of any statements in the offering document, in its preliminary and final forms, or any amendments thereof or supplements

thereto, or in any reports, financial information, offering or disclosure documents or other information relating to the Original Purchaser, the Lender, the Trustee, the Project, the Borrower or the history, businesses, properties, organization, management, financial condition, market area or any other matter relating to the Borrower or contained otherwise in the offering document, or with respect to the Depository, any federally insured mortgage loan program, any investment agreements and the providers thereof, or the Original Purchaser.

SECTION 5. Loan and Terms Thereof. This Council authorizes and approves the loan of the Bond proceeds by the County to the Borrower pursuant to the terms of the Indenture, the Loan Agreement and the Regulatory Agreement, each substantially in the form now on file with the Clerk of this Council, to assist in financing the Project.

SECTION 6. Security for the Bonds. The Bonds shall be special, limited obligations of the County and the principal of and any premium and the interest on the Bonds shall be (i) payable solely from the revenues pledged therefor in the Indenture and (ii) secured by the trust estate identified in the Indenture.

Anything in this Resolution or the Bonds to the contrary notwithstanding, the Bonds do not and shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of moneys raised by taxation or the faith and credit of the County, the State or any political subdivision thereof, and the holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by this Council or the County, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges or any other costs of the Project, and the Bonds will be payable solely from revenues of the Project and other monies available to the Borrower. The Bonds shall contain a statement to that effect and to the effect that the Bonds are payable solely from the sources specified in the Indenture and any amounts received by the Trustee pursuant to the Indenture and the Assignment, if any, and from any other moneys paid by the Borrower or obtained by the Trustee upon the exercise of rights and remedies under the Loan Agreement or Indenture.

SECTION 7. Covenants and Agreement of County. In addition to the other covenants of the County set forth in this Resolution and the Issuer Documents, the County further covenants and agrees as follows:

(a) Authority and Actions. The County is, and upon delivery of the Bonds will be, duly authorized by the laws of the State, particularly and without limitation the Act, to issue the Bonds, to execute and deliver the Issuer Documents and other instruments and documents to which it is a party, to provide the security for payment of the principal of and any premium or interest on the Bonds solely in the manner and from the sources and to the extent set forth herein, all as authorized by this Council and upon the advice of Bond Counsel. All actions on the part of the County for the issuance of the Bonds and the execution

and delivery of the Issuer Documents and such other instruments and documents have been or will be duly and effectively taken. The Bonds will be valid and enforceable special obligations of the County according to the terms thereof. Each duty of the County and of its officers and employees undertaken pursuant to the Bonds and the Issuer Documents, is a duty specifically enjoined by law upon the County and each of those officers and employees having authority thereunder or by provision of law to perform the duty, resulting from an office, trust or station, within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

(b) Arbitrage and Tax Compliance Provisions; Transcript. Upon the advice of Bond Counsel and to the extent within its authority and control, the County will restrict the use of the proceeds of the Bonds in such manner and to such extent as is necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. The members of this Council, the County Executive, the Fiscal Officer or the Clerk of this Council or any other officer of the County having responsibility for the issuance of the Bonds, alone or in conjunction with the Borrower or any officer, employee or agent of or consultant to the Borrower, shall give an appropriate certificate of the County for inclusion in the transcript of proceedings for the Bonds setting forth the reasonable expectations of the County regarding the amount and use of all of the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds.

Upon the advice of Bond Counsel, and to the extent within its authority and control, the County (i) will take, or require to be taken, all actions that are required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (ii) will not knowingly take or authorize to be taken any actions that would adversely affect that exclusion under the provisions of the Code. The members of this Council, the County Executive, the Fiscal Officer and the Clerk of this Council and any other appropriate officers are hereby authorized and directed to take any and all actions and make or give such reports and certifications, as may be appropriate to assure such exclusions of that interest.

In its performance of these covenants, and other covenants of the County pertaining to federal income tax laws, the County may rely upon the advice of Bond Counsel.

The Clerk of this Council shall furnish to the Original Purchaser a true transcript of proceedings, certified by the Clerk, of all proceedings had with reference to the issuance of the Bonds together with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

(c) Further Assurances. To the extent within its authority and control, the County shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on its part under the Issuer Documents.

Nothing herein or in the Issuer Documents shall be construed as requiring the County to operate the Project or to use any moneys from any source other than those provided in the Indenture and the Loan Agreement.

SECTION 8. Issuer Documents. To provide for the issuance and sale of the Bonds and the consummation of the transactions contemplated herein, the County Executive and the Fiscal Officer at the direction of the County Executive, alone or in conjunction with any of the foregoing, are authorized and directed to execute, acknowledge and deliver, for and in the name and on behalf of the County, each Issuer Document, in substantially the respective forms thereof submitted to and approved by this Council and the County's legal officer. The Issuer Documents are approved with any changes therein which are not inconsistent with this Resolution, are not adverse to the County, are permitted by the Act, and are approved by the member or members or officer or officers executing the respective Issuer Documents and by the County's legal officer. The approval of those changes by such member or members or officer or officers, and the character of those changes as not being adverse to the County, shall be evidenced conclusively by the execution and delivery of the respective Issuer Documents by such member or members or officer or officers. The Fiscal Officer is authorized to give any certifications that may be required under Ohio Revised Code Sections 5705.41 and 5705.44 with respect to any of the Issuer Documents.

SECTION 9. Other Documents. The County Executive, the President of the Council, the Fiscal Officer, the Clerk of the Council or any other officer of the County, alone or in conjunction with any of the foregoing, are authorized and directed to execute, deliver and, if applicable, file, for and in the name and on behalf of the County, any certifications, financing statements, assignments and other instruments and documents which are, in the opinion of the County's legal officer and Bond Counsel to the County, necessary or appropriate to perfect the assignments contemplated in the Indenture or the Loan Agreement and to consummate the transactions contemplated in the Issuer Documents, including the issuance of the Bonds. Those certifications and other instruments and documents include, without limitation, one or more reports on IRS Form 8038 (including Forms 8038-R and 8038-T), any other certifications and forms necessary or advisable under the Code and a certification by the Clerk of this Council of the transcript of proceedings relating to the issuance of the Bonds. The Borrower is hereby authorized and directed, upon the request or direction of the County, to file any such certifications or instruments that require filing.

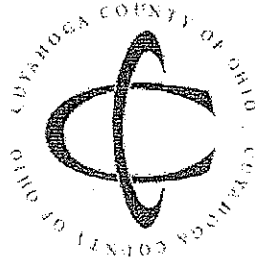
SECTION 10. Prevailing Wage Rates. All laborers and mechanics employed on the Project shall, in accordance with policies heretofore established by the County, be paid at the residential prevailing rates of wages of laborers and mechanics for the classes of work called for by the Project, which wages shall be determined in accordance with the requirements of Section 176.05 and Chapter 4115, Ohio Revised Code, for determination of prevailing wage rates.

The Borrower shall comply, and shall require compliance by all contractors or subcontractors working on the installation of the Project, with all applicable requirements of Section 176.05 and Sections 4115.03 through 4115.16, Revised Code, including, without limitation obtaining or causing to be obtained, from the State its determination of the prevailing rates of wages to be paid for the class of work called for by the Project, and ensuring that all contractors and subcontractors receive notification of changes in prevailing wage rates as required under Section 4115.05, Revised Code. Concurrently with issuance of the Bonds and at such times as the County requests, the Borrower shall be required to provide the County with evidence, satisfactory to the County, that there has been compliance with the foregoing agreements. None of the requirements of this Section shall be applicable to the Borrower unless the Bonds are issued. The requirements of this Section are subject to preemption by any controlling federal law.

SECTION 11. Tax Credit Allocation. This Council hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, this Council has relied exclusively upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by this Council or the Issuer as to the feasibility or viability of the Project. This Council hereby authorizes and directs any member of this Council to make the foregoing determination again for and on behalf of this Council at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Ohio Housing Finance Agency (“OHFA”) and either written representations of the Borrower or of the OHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under OHFA’s qualified allocation plan. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under OHFA’s qualified allocation plan.

SECTION 12. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Resolution, or in the Bonds, or in the Issuer Documents, or under any judgment obtained against the County or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any officer or employee as such, past, present, or future, of the County, including any member of the Council, either directly or through the County, or otherwise, for the payment for or to the County or any receiver thereof, or for or to the Holder, or otherwise, of any sum that may be due and unpaid by the County upon any of the Bonds. Any and all personal liability of

Journal _____
_____, 2011



Item Details:

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| Agency/Dept. Name: | Department Development | Agency/Dept. Head Name: | Larry Benders, Director |
| Type of Request: | | | |
| Request Prepared by: | Sara Parks Jackson | Telephone No. | 216-443-8160 |
| SUMMARY OF REQUESTED ACTION: | | | |
| <p>Department of Development/Squire, Sanders & Dempsey, L.L.P requesting a resolution, effective immediately, authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not to exceed \$6,000,000 for Puritas Avenue Associates Limited Partnership for the purpose of rehabilitating, improving and equipping a housing facility for low and moderate income families; authorizing the execution and delivery of a loan agreement, bond purchase agreement, trust indenture and regulatory agreement; authorizing and approving the use and distribution of a disclosure document; and approving related matters.</p> | | | |
| PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): | | | |
| <p>The Puritas Avenue Associates Limited Partnership in association with The Finch Group will substantially rehabilitate the foreclosed property currently known as Hawk's Landing located at 14610 Puritas Avenue in the City of Cleveland.</p> | | | |
| <p>The property, located in Cleveland's Bellaire-Puritas neighborhood, is according to the City of Cleveland the most destabilizing influence in the area. The 144 unit project contained in 6 buildings (24 units each) will cost \$12,035,700 to substantially rehabilitate.</p> | | | |
| <p>The project also applied for and has been recommended for approval of NSP III funding in the amount of \$637,884 00 to assist in the rehabilitation</p> | | | |
| Explanation for late submittal: | | | |

Contract/Agreement Information:

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|----------------------------|
| Procurement Method: |
|----------------------------|

Other

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: Other **Explanation:** Private Activity Bonds

Total Amount Requested:
\$

ATTACHMENTS:

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[Issuance Resolution](#)

History

Time

Who

Clerk of the Board

Approval


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County Council of Cuyahoga County, Ohio

Resolution No. R2011-0257

| | |
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| Sponsored by: County Executive FitzGerald/ Department of Development | A Resolution authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not-to-exceed \$5,000,000 00 for Helen S. Brown Apartments, L.P. for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a loan agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective. |
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WHEREAS, the County of Cuyahoga, Ohio (the "County"), a county and political subdivision in and of the State of Ohio (the "State"), is authorized and empowered by virtue of the laws of the State, including without limitation, Article VIII, Section 16 of the Ohio Constitution and Section 133.51 of the Ohio Revised Code (collectively, the "Act"), among other things, to: (i) acquire, finance, refinance, construct, renovate, improve and equip real and personal property to provide for senior housing and multifamily housing; (ii) issue its revenue bonds for the purpose of paying the costs thereof; (iii) enter into a loan or financing agreement to provide for the loan of the proceeds of and revenues to pay the principal of and interest and any premium on those revenue bonds; (iv) secure those revenue bonds by the pledge and assignment of payments made to it under the loan agreement, and (v) adopt this Resolution, to enter into the Issuer Documents (as hereinafter defined), and to execute and deliver certain other statements, documents and instruments upon the terms and conditions provided in this Resolution and those documents and instruments; and

WHEREAS, this Council of the County of Cuyahoga, Ohio (the "Council"), pursuant to the foregoing authority and at the request of, and based upon the representations of, Helen S. Brown Apartments, L.P., an Ohio limited partnership (the "Borrower"), has determined that it is willing to authorize the issuance and sale of the County's Housing Revenue Bonds, Series 2011 (Helen S. Brown Apartments Project) in the maximum principal amount of \$5,000,000 to finance costs of rehabilitating, improving and equipping real and personal property located in the City of Cleveland to be used as an affordable senior housing facility containing approximately 65 units, to be owned by the Borrower (the "Project"), and in connection with that issuance and sale, to adopt this Resolution, to enter into the Issuer Documents and to execute and deliver certain other statements, documents and instruments upon the terms set forth in this Resolution and those documents and instruments; and

WHEREAS, on October 7, 2010, the County held a public hearing and adopted an inducement resolution expressing its intent to issue tax exempt bonds to provide funding for the Project; and

WHEREAS, the Bonds will be issued pursuant to the provisions of the Act and a Trust Indenture (the "Indenture"), by and between the County and The Huntington National Bank, as trustee (the "Trustee"); and

WHEREAS, the operation of the Project will be subject to the provisions of a Tax Regulatory Agreement by and among the County, the Trustee, and the Borrower (the "Regulatory Agreement") and other tax-related agreements which are intended to ensure the excludability of interest on the Bonds from the gross income of the owners of the Bonds for federal income tax purposes; and

WHEREAS, the Bonds shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of moneys raised by taxation or the faith and credit of the County, the State or any political subdivision thereof, and the holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by this Council or the County, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges or any other costs of the Project, and the Bonds will be payable solely from revenues of the Project and other monies available to the Borrower; and

WHEREAS, providing for the financing of the Project will confer a public benefit and serve the public interest by lowering the cost of maintaining, and expanding available housing opportunities for low and moderate income senior residents in the County, all in accordance with, and in furtherance of, the purposes of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Cuyahoga, Ohio, that:

Section 1. Definitions and Interpretations. All words and terms used herein as defined words and terms but not otherwise defined herein shall have the respective meanings given to them in the Indenture unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means a denomination of \$5,000 or any whole multiple thereof.

"Bond Counsel" means Roetzel & Andress, A Legal Professional Association, Cleveland, Ohio.

"Bond Purchase Agreement" means the Bond Purchase Agreement between the County, the Original Purchaser and the Borrower.

"Certificate of Award" means the Certificate of Award to be executed in connection with the sale of the Bonds.

“*Code*” means the Internal Revenue Code of 1986, the Treasury Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a section of the Code includes any applicable successor section or provision and the applicable Treasury Regulations, rulings, announcements, notices, procedures and determinations pertinent to that section.

“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement between the Borrower and the Trustee pursuant to which the Borrower agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required by the Rule.

“*County Executive*” means the County Executive of the County.

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of book entry interests in the Bonds, and to effect transfers of book entry interests in the Bonds, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Financing Agreement*” means the Financing Agreement, dated as of the date of the Indenture, between the County and the Borrower.

“*Fiscal Officer*” means the Fiscal Officer of the County.

“*Issuer Documents*” means the Indenture, the Financing Agreement, the Regulatory Agreement, the Assignment, if any, and the Bond Purchase Agreement.

“*Original Purchaser*” means The Sturges Company, Dublin, Ohio.

“*Rule*” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934, as amended.

Any reference to this Council, the County or to its members or officers, or to other public officers, boards, commissions, departments, institutions, agencies, bodies or entities, shall include those which succeed to their functions, duties or responsibilities by operation of law and also those who at the time may legally act in their place.

Any reference to a section or provision of the Ohio Constitution or the Ohio Revised Code or other laws of the State shall include such section, provision and laws as may from time to time be amended, modified, revised or superseded, provided that no amendment, modification, revision, supplement or superseding section, provision or chapter shall be applicable solely by reason of this provision if it constitutes in any way an impairment of the rights or obligations of the County, the Holders, the Trustee, this Resolution, the Bonds, or any other instrument or document entered into in connection with any of the foregoing.

Section 2. Authorization of the Bonds, Public Hearing. Based upon the representations of the Borrower, this Council finds and determines that (A) it is necessary to, and the County shall, issue, sell and deliver, as provided and authorized herein and pursuant to the Act, self-supporting housing revenue bonds (the "Bonds") of the County in an aggregate principal amount not to exceed \$5,000,000, for the purpose of paying (i) costs of rehabilitating, improving and equipping the Project, (ii) interest to accrue on the Bonds from their date and during the estimated construction and renovation period of the Project, and (iii) certain costs associated with the issuance of the Bonds; and (B) the Project and the financing thereof by the issuance of the Bonds will further the public purpose of better providing adequate housing in this County and the State and improving the economic and general well-being of the people of the County and the State. The Bonds shall be designated "County of Cuyahoga, Ohio Housing Revenue Bonds, Series 2011 (Helen S. Brown Apartments Project)."

Section 3. Terms and Provisions of the Bonds

(a) **Bond Terms.** The Bonds shall (i) be issuable only in fully registered form and substantially as set forth in the Indenture; (ii) be exchangeable only for Bonds of the same series in Authorized Denominations, as provided in the Indenture; (iii) be numbered in a manner determined by the Trustee which will distinguish each Bond of a series from each other Bond of that series; (iv) be dated as set forth in the Certificate of Award, provided that such date shall not be later than December 31, 2011; (v) bear interest from the most recent date to which interest has been paid or duly provided for, or if no interest has been paid or duly provided for, from their date or their date of delivery as set forth in the Certificate of Award, at the rates set forth in the Certificate of Award, provided that the rates for the Bonds shall not exceed 7% per year (computed on a 360-day per year basis); (vi) payable on the interest payment dates set forth in the Certificate of Award and the Indenture; (vii) be subject to optional redemption, extraordinary optional redemption and mandatory redemption, including mandatory sinking fund redemption, in accordance with the Certificate of Award and the Indenture, provided that the redemption price (not including accrued interest) shall not exceed 105% of the principal amount of the Bonds to be redeemed; and (viii) mature, subject to prior redemption as set forth above, on the dates set forth in the Certificate of Award and the Indenture, the final maturity date of which shall not exceed 45 years from their date of delivery.

(b) **Method of Payment; Paying Agents.** The principal of and any premium and interest on the Bonds (the "*Bond Service Charges*") shall be payable as provided in the Indenture without deduction for the services of any paying agent. The Trustee initially shall be paying agent for the Bonds and may designate additional paying agents as provided in the Indenture.

(c) **Execution.** The Bonds shall be signed by the County Executive. Neither the County Executive, the members of this Council nor any person executing the Bonds shall be liable personally on the Bonds by reason of issuance thereof. In case the County Executive shall cease to be in office before the issuance or delivery of the Bonds, such signature or facsimile thereof shall

nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until after that time.

(d) **Book-Entry System**. The Bonds are permitted, but not required, to be issued to the Depository for holding in a book-entry system as provided in the Indenture, as the official(s) or member(s) executing and delivering the Indenture shall approve in the manner described in and under authority of Section 8 hereof.

Section 4. Sale of the Bonds Generally. The Bonds are sold and awarded to the Original Purchaser on such terms that are in accordance with the Act, are authorized or not inconsistent with this Resolution, are not materially adverse to the County, and as are provided for or specified in the Certificate of Award and the Bond Purchase Agreement. The purchase price for the Bonds may not be less than 98% of the aggregate principal amount of the Bonds (or, if the Bonds are sold at any original issue discount, 98% of the amount resulting from the subtraction of the aggregate net original issue discount from the aggregate original principal amount of the Bonds), plus any interest accrued on Bonds from their date to their delivery date. The original issue discount, if any, shall not exceed in the aggregate 5%. The County Executive or the Fiscal Officer, as designee of the County Executive, are authorized and directed to execute the Certificate of Award and the Bond Purchase Agreement, in order to provide for the definitive terms and terms of sale and award to the Original Purchaser of the Bonds as provided in this Resolution, but in any event not later than March 31, 2012. The Certificate of Award and the Bond Purchase Agreement shall not be inconsistent with this Resolution, and shall be approved by the County Executive or the Fiscal Officer, as designee of the County Executive, their execution of the Certificate of Award and the Bond Purchase Agreement to constitute conclusive approval, and a finding that the terms are not materially adverse to the County, on behalf of the County.

The County Executive and the Fiscal Officer, as designee of the County Executive, are authorized and directed, alone or together, to make the necessary arrangements, as directed by the Trustee and upon the advice of Bond Counsel, with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchaser. The County Executive is further authorized and directed to make the necessary arrangements for the printing of the Bonds and the execution, authentication and delivery of the Bonds to the Original Purchaser under the terms of this Resolution, the Indenture and the Bond Purchase Agreement.

(a) **Official Statement**. The County hereby consents to the use and distribution by the Original Purchaser of an offering document, in its preliminary and final forms, relating to the original issuance of the Bonds. Except to the extent described in the Bond Purchase Agreement, the County has not confirmed, and assumes no responsibility for, the truthfulness, accuracy, completeness, sufficiency or fairness of any statements in the offering document, in its preliminary and final forms, or any amendments thereof or supplements thereto, or in any reports, financial information, offering or disclosure documents or other information relating to the Original Purchaser, the Trustee, the Project, the Borrower or the history, businesses, properties, organization, management,

financial condition, market area or any other matter relating to the Borrower or contained otherwise in the offering document, or with respect to the Depository, any federally insured mortgage loan program, any investment agreements and the providers thereof, or the Original Purchaser.

Section 5. Loan and Terms Thereof This Council authorizes and approves the loan of the Bond proceeds by the County to the Borrower pursuant to the terms of the Indenture, the Financing Agreement and the Regulatory Agreement, each substantially in the form now on file with the Clerk of this Council, to assist in financing the Project.

Section 6. Security for the Bonds The Bonds shall be special, limited obligations of the County and the principal of and any premium and the interest on the Bonds shall be (i) payable solely from the revenues pledged therefor in the Indenture and (ii) secured by the trust estate identified in the Indenture.

Anything in this Resolution or the Bonds to the contrary notwithstanding, the Bonds do not and shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of moneys raised by taxation or the faith and credit of the County, the State or any political subdivision thereof, and the holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by this Council or the County, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges or any other costs of the Project, and the Bonds will be payable solely from revenues of the Project and other monies available to the Borrower. The Bonds shall contain a statement to that effect and to the effect that the Bonds are payable solely from the sources specified in the Indenture and any amounts received by the Trustee pursuant to the Indenture and the Assignment, if any, and from any other moneys paid by the Borrower or obtained by the Trustee upon the exercise of rights and remedies under the Financing Agreement or Indenture.

Section 7. Covenants and Agreement of County In addition to the other covenants of the County set forth in this Resolution and the Issuer Documents, the County further covenants and agrees as follows:

(a) **Authority and Actions.** The County is, and upon delivery of the Bonds will be, duly authorized by the laws of the State, particularly and without limitation the Act, to issue the Bonds, to execute and deliver the Issuer Documents and other instruments and documents to which it is a party, to provide the security for payment of the principal of and any premium or interest on the Bonds solely in the manner and from the sources and to the extent set forth herein, all as authorized by this Council and upon the advice of Bond Counsel. All actions on the part of the County for the issuance of the Bonds and the execution and delivery of the Issuer Documents and such other instruments and documents have been or will be duly and effectively taken. The Bonds will be valid and enforceable special obligations of the County according to the terms thereof. Each duty of the County and of its officers and employees undertaken pursuant to the Bonds and the Issuer Documents, is a duty specifically enjoined by law upon the County and each of those officers and employees having authority thereunder or by provision of law to perform the duty, resulting from an office, trust or station,

within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus

(b) Arbitrage and Tax Compliance Provisions; Transcript

Upon the advice of Bond Counsel and to the extent within its authority and control, the County will restrict the use of the proceeds of the Bonds in such manner and to such extent as is necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. The members of this Council, the County Executive, the Fiscal Officer or the Clerk of this Council or any other officer of the County having responsibility for the issuance of the Bonds, alone or in conjunction with the Borrower or any officer, employee or agent of or consultant to the Borrower, shall give an appropriate certificate of the County for inclusion in the transcript of proceedings for the Bonds setting forth the reasonable expectations of the County regarding the amount and use of all of the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds.

Upon the advice of Bond Counsel, the County (i) will take, or require to be taken, all actions that are required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (ii) will not knowingly take or authorize to be taken any actions that would adversely affect that exclusion under the provisions of the Code. The members of this Council, the County Executive, the Fiscal Officer and the Clerk of this Council and any other appropriate officers are hereby authorized and directed to take any and all actions and make or give such reports and certifications, as may be appropriate to assure such exclusions of that interest.

In its performance of these covenants, and other covenants of the County pertaining to federal income tax laws, the County may rely upon the advice of Bond Counsel.

The Clerk of this Council shall furnish to the Original Purchaser a true transcript of proceedings, certified by the Clerk, of all proceedings had with reference to the issuance of the Bonds together with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

(c) Further Assurances. To the extent within its authority and control, the County shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on its part under the Issuer Documents. Nothing herein or in the Issuer Documents shall be construed as requiring the County to operate the Project or to use any moneys from any source other than those provided in the Indenture and the Financing Agreement.

Section 8. Issuer Documents. To provide for the issuance and sale of the Bonds and the consummation of the transactions contemplated herein, the County

Executive and the Fiscal Officer, as designee of the County Executive, are authorized and directed to execute, acknowledge and deliver, for and in the name and on behalf of the County, each Issuer Document, in substantially the respective forms thereof submitted to and approved by this Council and the County's legal officer. The Issuer Documents are approved with any changes therein which are not inconsistent with this Resolution, are not adverse to the County, are permitted by the Act, and are approved by the member or members or officer or officers executing the respective Issuer Documents and by the County's legal officer. The approval of those changes by such member or members or officer or officers, and the character of those changes as not being adverse to the County, shall be evidenced conclusively by the execution of the respective Issuer Documents by such member or members or officer or officers. The Fiscal Officer is authorized to give any certifications that may be required under Ohio Revised Sections 5705.41 and 5705.44 with respect to any of the Issuer Documents.

Section 9. Other Documents. The County Executive and the Fiscal Officer, as designee of the County Executive, are authorized and directed to execute, deliver and, if applicable, file, for and in the name and on behalf of the County, any certifications, financing statements, assignments and other instruments and documents which are, in the opinion of the County's legal officer and bond counsel to the County, necessary or appropriate to perfect the assignments contemplated in the Indenture or the Financing Agreement and to consummate the transactions contemplated in the Issuer Documents, including the issuance of the Bonds. Those certifications and other instruments and documents include, without limitation, one or more reports on IRS Form 8038 (including Forms 8038-R and 8038-I), any other certifications and forms necessary or advisable under the Code and a certification by the Clerk of this Council of the transcript of proceedings relating to the issuance of the Bonds. The Borrower is hereby authorized and directed, upon the request or direction of the County, to file any such certifications or instruments that require filing.

Section 10. Acknowledgement of Assignment. The County acknowledges that pursuant to the Assignment, the County will assign without recourse its rights under the Indenture and Financing Agreement to the Trustee, except for Unassigned Issuer's Rights (as defined in the Financing Agreement).

Section 11. Prevailing Wage Rates. All laborers and mechanics employed on the Project shall, in accordance with policies heretofore established by the County, be paid at the residential prevailing rates of wages of laborers and mechanics for the classes of work called for by the Project, which wages shall be determined in accordance with the requirements of Section 176.05 and Chapter 4115, Ohio Revised Code, for determination of prevailing wage rates.

The Borrower shall comply, and shall require compliance by all contractors or subcontractors working on the installation of the Project, with all applicable requirements of Section 176.05 and Sections 4115.03 through 4115.16, Revised Code, including, without limitation obtaining or causing to be obtained, from the State its determination of the prevailing rates of wages to be paid for the class of work called for by the Project, and ensuring that all contractors and subcontractors receive notification of changes in prevailing wage rates as required under Section 4115.05, Revised Code. Concurrently

with issuance of the Bonds and at such times as the County requests, the Borrower shall be required to provide the County with evidence, satisfactory to the County, that there has been compliance with the foregoing agreements. None of the requirements of this Section shall be applicable to the Borrower unless the Bonds are issued. The requirements of this Section are subject to preemption by any controlling federal law.

Section 12. Tax Credit Allocation. This Council hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, this Council has relied exclusively upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by this Council or the Issuer as to the feasibility or viability of the Project. This Council hereby authorizes and directs any member of this Council to make the foregoing determination again for and on behalf of this Council at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Ohio Housing Finance Agency ("OHFA") and either written representations of the Borrower or of the OHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under OHFA's qualified allocation plan. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under OHFA's qualified allocation plan.

Section 13. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Resolution, or in the Bonds, or in the Issuer Documents, or under any judgment obtained against the County or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any officer or employee as such, past, present, or future, of the County, including any member of the Council, either directly or through the County, or otherwise, for the payment for or to the County or any receiver thereof, or for or to the Holder, or otherwise, of any sum that may be due and unpaid by the County upon any of the Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer or employee, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the County or any receiver thereof, or for or to the Borrower or the Holder, or otherwise, of any sum that may remain due and unpaid upon any Bond, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Issuer Documents and the issuance of the Bonds.

Section 14. Open Meeting This Council hereby finds and determines that all formal actions of this Council and its committees concerning and relating to the adoption of 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



Item Details:

| | | | |
|--|---------------------------|--------------------------------|-------------------------|
| Agency/Dept. Name: | Department of Development | Agency/Dept. Head Name: | Larry Benders, Director |
| Type of Request: | | | |
| Request Prepared by: | Sara Parks Jackson | Telephone No. | 216-443-8160 |
| SUMMARY OF REQUESTED ACTION: | | | |
| <p>Department of Development/Roetzel and Andress requesting a resolution authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not to exceed \$5,000,000 for Helen S. Brown apartments, L.P. for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a financing agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters, suspension of rules upon second reading to allow all external funding to close in an expeditious manner and declaring the necessity that this resolution become effective immediately.</p> | | | |
| PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): | | | |
| <p>Helen S. Brown apartments was originally built in 1985 as a HUD 202 project for senior citizens. The property is comprised of 64 apartments located at 1821 Noble Road in the City of East Cleveland. Helen S. Brown Apartments, L.P., intends to substantially rehabilitate the building allowing the county to retain 65 affordable housing units.</p> | | | |
| <p>Cuyahoga County May also provide energy efficiency improvements, funded by federal weatherization grants. The exact scope of energy efficiency work will be determined by an audit following United States Department of Energy regulations and guidance. Separate approval will be requested for bidding and award of the energy efficiency work to be done.</p> | | | |
| Renee Richard, Bond Counsel Roetzel and Andress | | | |
| Helen S. Brown Apartments, Rodger D. Saffold, Statutory Agent | | | |

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Other

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: Explanation:

Other Private Activity Bonds

Total Amount Requested:

\$

ATTACHMENTS:

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[Issuance Resolution](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0258

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Development/Airport Division | A Resolution authorizing an award on RQ20109 to Tri Mor Corporation in the amount of \$820,360.00 for the Year Two Pavement Maintenance Program: Apron A1, B reconstruction and Apron A2, C, D1 rehabilitation for the period 8/9/2011-6/6/2012; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, the Department of Development, Airport Division has recommended an award to Tri Mor Corporation in the amount of \$820,360.00 for the for the Year Two Pavement Maintenance Program for Reconstruction of Aprons A1 & B and Rehabilitation of Aprons A2, C, D1 and Runway 6-24; and

WHEREAS, the pavement in the aforementioned areas have been identified to be in poor/failing condition and are in need of improvement or reconstruction; and

WHEREAS, pursuant to Resolution No. R2011-0174, the County Council had previously authorized the authority to seek proposals for said project, and said proposals have come in, been evaluated and the Department of Development has recommended that the contract be awarded to the entity above; and

WHEREAS, the award will allow the airport to move forward with the contracting process and solidify the use of grants received through the Federal Aviation Administration and Ohio Department of Transportation.

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

SECTION 1. The County Executive is hereby authorized to award on RQ20109 to Tri Mor Corporation in the amount not-to-exceed \$820,360.00 for the Year Two Pavement Maintenance Program: Aprons A1 & B Reconstruction, Aprons A2, C, D1 and Runway 6 - 24 Rehabilitation for the period 8/9/2011 – 6/6/2012; and further that the County Executive is hereby authorized to execute a contract with the Tri Mor Corporation in the amount of \$820,360.00 consistent with said award.

SECTION 2. It is necessary that this Resolution become immediately effective to assure that road work can commence and conclude during the prime construction season. Otherwise, any delay in commencement of the repair and resurfacing early on may cause work into the winter months and result in significant cost increases due to adverse weather conditions. Provided that this Resolution receive the affirmative vote of eight members of



Item Details:

| | | | |
|--|--|--------------------------------|--------------|
| Agency/Dept. Name: | Department of Development/Airport Division | Agency/Dept. Head Name: | L. Benders |
| Type of Request: | Award Recommendation | | |
| Request Prepared by: | K. Delaney | Telephone No.: | 216 289.4111 |
| SUMMARY OF REQUESTED ACTION: | | | |
| Recommending an award on RQ R2011-0174 to Tri Mor Corporation up to \$820,360 00 for Year Two Pavement Maintenance Program: Aprons A1 & B Reconstruction, Aprons A2, C, D1 and Runway 6 -24 Rehabilitation for the period August 9, 2011-June 30, 2012. (Resolution No. R2011-0174 - authority to seek proposals.) | | | |
| PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): | | | |
| Awarding the project will allow the airport to move forward with the contracting process and solidify the FAA and ODOT grants. The expected outcome is to reconstruct Aprons A1 & B Reconstruction, Aprons A2, C, D1 Rehabilitation since the pavement in these areas have been identified to be in poor/failing condition. In addition, the runway 6-24 will get some rehabilitation for runway joint repairs | | | |
| Explanation for late submittal: | | | |

Contract/Agreement Information:

| |
|--|
| Procurement Method: |
| Explanation for Increase/Decrease in \$ Amount for current request: |

Financial Information:

| | |
|------------------------|---------------------|
| Funding source: | Explanation: |
|------------------------|---------------------|

Total Amount Requested:

\$

ATTACHMENTS:

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- [Bid Tabulations](#)
- [Proposal III](#)
- [Cert of Compliance](#)
- [Non Collusion](#)
- [Business Filing](#)
- [Unresolved Finding](#)
- [Principal Owners](#)
- [Revised](#)

History

Time

7/21/2011 10:43 AM

Who

Office of Procurement &
Diversity

Clerk of the Board

Approval

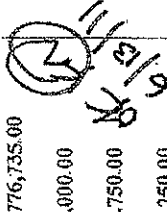
Yes

BID DUE DATE June 6, 2011

OFFICE OF PROCUREMENT & DIVERSITY

LABULATION OF BIDS RECEIVED OVER \$25,000

REQUISITION NUMBER DV - 11 - 20109 CONTRACT PERIOD N/A
 REQUISITIONING DEPT. Department of Development NUMBER OF BIDS SENT/RETURNED 9/3
 COMMODITY DESCRIPTION Year Two Pavement Maintenance ESTIMATE Not Provided per FAA
 SBE GOALS N/A

| TO BE COMPLETED BY OFD AND USER DEPARTMENT (P=PROCUREMENT; D=DEPARTMENT) | | TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER | | | | | | |
|--|---|--|--------------------------|--|--------------------------|-------------|------------|---------------------|
| BIDDER'S NAME & ADDRESS | BID BOND / CHECK | P - ADMINISTRATIVE D-TECHNICAL REVIEW | ACTUAL BID AMOUNT | SBE SUBCONTRACTOR NAME | PRICE PREFER. IF Y, SEE* | TOTAL SBE % | COMPLY Y/N | COMMENTS & INITIALS |
| Tri Mor Corporation 8530 North Boyle Parkway Twinsburg, Ohio 44087 | Bid Bond, 100% - American Contractor's Indemnity Co. | P: <i>OK AD</i> 6/7/11 | Base Bid: \$776,735.00 |  | | | | |
| | | | Alt 1: \$156,000.00 | | | | | |
| | | | Alt 2: \$141,750.00 | | | | | |
| | | | Alt 3: \$279,250.00 | | | | | |
| | | | Alt 4: \$98,500.00 | | | | | |
| Alt 5: \$43,625.00 | | | | | | | | |
| Perk Company, Inc 8100 Grand Avenue Suite 300 Cleveland, Ohio 44131 | Bid Bond, 100% - Travelers Casualty and Surety Company of America | P: <i>OK AD</i> 6/7/11 | Base Bid: \$1,064,656.50 | | | | | <i>RQ 20/09</i> |
| | | | Alt 1: \$206,045.50 | | | | | |
| | | | Alt 2: \$158,925.00 | | | | | |
| | | | Alt 3: \$313,400.00 | | | | | |
| | | | Alt 4: \$110,400.00 | | | | | |
| Alt 5: \$80,062.50 | | | | | | | | |

* LOWEST BID REC'D \$ _____ RANGE OF LOWEST BID REC'D \$ _____ PRICE PFER % & \$ LIMIT _____ MAX SBE PRICE PFER \$ _____

BIDDERS NOTIFIED _____ DATE _____
 OBM APPROVAL _____
 (If actual bid exceeds estimate)
 I ab sheet with SBE
 October 1, 2009

BID DUE DATE June 6, 2011

OFFICE OF PROCUREMENT & DIVERSITY
 TABULATION OF BIDS RECEIVED OVER \$25,000

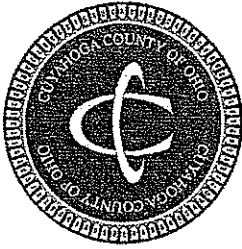
REQUISITION NUMBER DV - 11 - 20109
 REQUISITIONING DEPT Department of Development
 COMMODITY DESCRIPTION Year Two Pavement Maintenance

CONTRACT PERIOD N/A
 NUMBER OF ITB'S SENT/RETURNED 9/3
 ESTIMATE Not Provided per FAA
 SBE GOALS N/A

| TO BE COMPLETED BY OPD AND USER DEPARTMENT (P=PROCUREMENT; D=DEPARTMENT) | | TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER | | | | | | |
|--|--|--|--------------------------|------------------------|--------------------------|-------------|------------|---------------------|
| BIDDER'S NAME & ADDRESS | BID BOND / CHECK | P - ADMINISTRATIVE D-TECHNICAL REVIEW | ACTUAL BID AMOUNT | SBE SUBCONTRACTOR NAME | PRICE PREFER. IF Y, SEE* | TOTAL SBE % | COMPLY Y/N | COMMENTS & INITIALS |
| Kokosing Construction Co., Inc. 886 McKinley Avenue Columbus, Ohio 43222 | Bid Bond, 100% - Liberty Mutual Insurance Company & Travelers Casualty and Surety Company of America | P:OK AP 6-7-11 | Base Bid: \$1,221,975.50 | | | | | SEE COMMENT |
| | | | Alt 1: \$242,995.00 | | | | | |
| | | | Alt 2: \$244,300.00 | | | | | |
| | | | Alt 3: \$446,550.00 | | | | | |
| | | | Alt 4: \$147,200.00 | | | | | |
| | | | Alt 5: \$125,975.00 | | | | | |

* LOWEST BID REC'D \$ _____ RANGE OF LOWEST BID REC'D \$ _____ PRICE PFER % & \$ LIMIT: _____ MAX SBE PRICE PFER \$ _____

OBM APPROVAL _____ DATE _____ BIDDERS NOTIFIED _____
 (If actual bid exceeds estimate)



MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

| | |
|---------------------|-----------------------|
| Vendor's Legal Name | Tri Mor Corporation |
| Primary Owner | John R. Morris III |
| Title | Chairman of the Board |
| Vendor's Legal Name | Tri Mor Corporation |
| Primary Owner | Martin E. Schlessel |
| Title | President |
| Vendor's Legal Name | Tri Mor Corporation |
| Primary Owner | Nellie Vitale |
| Title | Secretary |
| Vendor's Legal Name | Tri Mor Corporation |
| Primary Owner | John R. Morris III |
| Title | Treasurer |
| Vendor's Legal Name | |
| Primary Owner | |
| Title | |
| Vendor's Legal Name | |
| Primary Owner | |
| Title | |
| Vendor's Legal Name | |
| Primary Owner | |
| Title | |
| Vendor's Legal Name | |
| Primary Owner | |
| Title | |

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0259

| | |
|--|--|
| Sponsored by: County Executive FitzGerald/Department of Health and Human Services | A Resolution authorizing awards on RQ19868 to various providers for the Cuyahoga County Fatherhood Initiative for the period 7/1/2011 - 6/30/2012; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective. |
|--|--|

WHEREAS, the County Executive/Department of Health and Human Services has recommended awards to various providers on RQ19868 for the Cuyahoga County Fatherhood Initiative for the period 7/1/2011 – 6/30/2012; and

WHEREAS, the Cuyahoga County Fatherhood Initiative seeks to strengthen families in our community by encouraging fathers to play a more active role in nurturing and raising their children; and

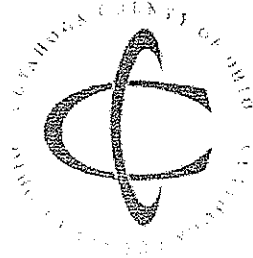
WHEREAS, the activities funded by these awards will help put Cuyahoga County in a better position to help fathers become or remain a significant part of the lives of their children and in doing so help reduce the risk of poor grades, drug abuse, premature fatherhood/teen pregnancy and other problems that increase without the presence of a father in a child's life; and

WHEREAS, it is necessary that this resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County agency.

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

SECTION 1. The recommended awards on RQ19868 to the following providers for the Cuyahoga County Fatherhood Initiative for the period 7/1/2011 – 6/30/2012 are hereby approved and the County Executive is authorized to enter into contracts consistent with the awards:

- 1) Career Development and Placement Strategies Inc. in the amount of \$105,000.00.
- 2) Center for Families and Children in the amount of \$96,000.00.
- 3) Cuyahoga County District Board of Health in the amount of \$95,000.00.
- 4) Domestic Violence Center the amount of \$95,000.00.
- 5) JDC Advertising in the amount of \$80,000.00.
- 6) The MetroHealth System in the amount of \$48,000.00.
- 7) Nueva Luz Urban Resource Center in the amount of \$45,000.00.
- 8) Passages Connecting Fathers and Sons, Inc. in the amount of \$105,000.00.



Item Details:

Agency/Dept. Name: Administrator's Office/Health and Human Services
Agency/Dept. Head Name: Rick Werner

Type of Request: Award Recommendation

Request Prepared by: Aldonis Grimes
Telephone No.:

SUMMARY OF REQUESTED ACTION:

Recommending awards on RQ 19868 titled Cuyahoga County Fatherhood Initiative to the programs listed below:

- Career Development & Placement Strategies in the amount of \$105,000.00
- Center for Families and Children in the amount of \$96,000.00
- Cuyahoga County District Board of Health in the amount of \$95,000.00
- Domestic Violence Center in the amount of \$95,000.00
- JDC Advertising in the amount of \$80,000.00
- MetroHealth System in the amount of \$48,000.00
- Nueva Luz Urban Resource Center in the amount of \$45,000.00
- Passages, Inc. in the amount of \$105,000.00
- United Way First Call for Help in the amount of \$14,000.00
- University Settlement in the amount of \$56,000.00
- Murtis Taylor Human Services System \$66,000.00
- Cuyahoga County Office of Mediation \$41,000

All of the organizations will provide programs for the Fatherhood Initiative for the period July 1, 2011 through June 30, 2012 (Resolution No. EA 2011-0492 - authority to seek proposals.)

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The Cuyahoga County Fatherhood Initiative seeks to strengthen families in our community by encouraging fathers to play a more active role in nurturing and raising their children. The Fatherhood Initiative responds to the social concerns regarding "father absence" by

providing fathers with services to prepare them to meet the psychological and financial needs of their children. The CCFI also seeks to increase public awareness of the importance of father involvement.

These activities will help put Cuyahoga County in a better position to help fathers become or remain a significant part of the lives of their children and in doing so help reduce the risk of poor grades, drug abuse, premature fatherhood/teen pregnancy and other problems that increase without the presence of a father in a child's life.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source: Explanation:

General Fund

Total Amount Requested:

\$846,000.00

ATTACHMENTS:

Click to download

- [2011 Fatherhood RFP](#)
- [CCFI Scoring Table](#)
- [Fatherhood Initiative RFP Review Team](#)
- [BOH Auditor Contributions](#)
- [Career Development Auditor Contributions & Filing](#)
- [C4FC Auditor Contributions & Filing](#)
- [Domestic Violence Auditor Contributions & Filing](#)
- [JDC Advertising Auditor Contributions & Filing](#)
- [Mediation Contributions](#)
- [MetroHealth Auditor Contributions & Filing](#)
- [Murtis Tavior Auditor Contributions & Filing](#)
- [Nueva Luz Auditor Contributions & Filing](#)
- [Passages Auditor Contributions & Filing](#)
- [United Way Auditor Contributions & Filing](#)
- [University Settlement Auditor Contributions & Filing](#)
- [History Log](#)
- [Principle Owners](#)
- [Tabulation of Proposals Form](#)
- [Contract Evaluations](#)

History

Time

Who

Approval

Cuyahoga County Fatherhood Initiative RFP Scoring/Recommendations Summary

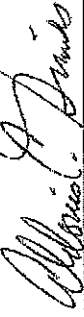
| Organization | Program Service Area | RFP Total Score | Funding Recommendation | Recommended Funding Level |
|---|---|-----------------|------------------------|---------------------------|
| Passages | Job Training and Placement | 89.6 | Yes | \$105,000 |
| Safe and Sound Visitation- DVC | Legal Issues- Domestic Violence | 88.4 | Yes | \$95,000 |
| Boot Camp for New Dads- MetroHealth | New Dads Training | 86.9 | Yes | \$48,000 |
| University Settlement-Healthy Fathers Program | Father- Child Activities-School Based | 86.7 | Yes | \$56,000 |
| Fathers and Families Together-CAFC | Fatherhood Workshops- Father/Child Activities | 84.5 | Yes | \$96,000 |
| Career Development And Placement Strategies | Job Training and Placement | 83.7 | Yes | \$105,000 |
| 211 First Call for Help | Public Awareness/Outreach | 83 | Yes | \$14,000 |
| Board of Health | Teens (Prevent Premature Fatherhood) | 82.7 | Yes | \$95,000 |
| CC Office of Mediation | Legal Issues-Custody/Visitation | 82 | Yes | \$41,000 |
| JDC Advertising | Public Awareness | 81 | Yes | \$80,000 |
| Nueva Luz | Hispanic Fathers Program | 73.9 | Yes | \$45,000 |
| Strong Fathers Program-Murtis Taylor | Community Fatherhood Program | 73.5 | Yes | \$66,000 |
| Key Source | Legal Issues-Child Support/Expungement etc. | 66.6 | No | 0 |
| Fatherhood Action Initiative | Community Fatherhood Program | 66.1 | No | 0 |
| Positive Changes | Teen Fathers | 65.2 | No | 0 |
| Eastside Ex-Offender | Incarcerated Fathers | 62.1 | No | 0 |
| Children's Museum of Cleveland | Father-Child Activities | 58.75 | No | 0 |
| Empowerment Center of Cleveland | Job Training and Placement | 55 | No | 0 |
| Sure House Baptist Church | Job Training and Placement | 19.2 | No | 0 |
| Total | | | | \$846,000 |

RQ19868

**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Health & Human Services **PROPOSAL DUE DATE:** May 17, 2011
RFP TITLE: Cuyahoga County Fatherhood Initiative **RFP #:** HS - 11 - 19868 **SBE:** N / A

| TO BE COMPLETED BY OPD | | TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER | | | | USER DEPT. |
|--|--|--|-------------|------------|---------------------|------------|
| VENDOR NAME & ADDRESS | SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE | SBE PRIME % | TOTAL SBE % | COMPLY Y/N | COMMENTS & INITIALS | AWARD Y/N |
| Career Development & Placement Strategies Rising Above Program 3631 Perkins Avenue, Suite 3CE Cleveland, Ohio 44114 | | | | | | Y |
| The Children's Museum of Cleveland Dads Count 10730 Euclid Avenue Cleveland, Ohio 44106 | | | | | | N |
| Cleveland Eastside Ex-Offender Coalition Najm Square I, Suite 300 3030 Euclid Avenue Cleveland, Ohio 44115 | | | | | | N |
| Cuyahoga County Board of Health Prevention & Wellness Area 5550 Venture Drive Parma, Ohio 44130 | | | | | | Y |
| Cuyahoga County Department of Legal Services Office of Mediation 1276 West Third Street, Room 100 Cleveland, Ohio 44113 | | | | | | Y |


 Department Signature of Approval Date 6/27/11




 OPD Buyer

**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Health & Human Services PROPOSAL DUE DATE: May 17, 2011

RFP TITLE: Cuyahoga County Fatherhood Initiative RFP #: HS - 11 - 19868 SBE: N/A

| TO BE COMPLETED BY OPD | TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER | | | | USER DEPT. | |
|---|--|-------------|-------------|------------|------------|---------------------|
| | SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE | SBE PRIME % | TOTAL SBE % | COMPLY Y/N | | COMMENTS & INITIALS |
| VENDOR NAME & ADDRESS Domestic Violence & Child Advocacy Center Safe & Sound Supervised Visitation Center P.O. Box 5466 Cleveland, Ohio 44101 | | | | | | Y |
| Empowerment Center of Greater Cleveland, The 3030 Euclid Avenue, Suite 100 Cleveland, Ohio 44115 | | | | | | N |
| Fatherhood Action Initiative & Training Haven, The (F.A.I.T.H.) 652 Quillians Road Cleveland, Ohio 44121 | | | | | | N |
| Fathers and Families Together Program Center for Families and Children 4500 Euclid Avenue Cleveland, Ohio 44103 | | | | | | Y |
| JDC Advertising Joseph C. Hewitt, Principal 6555 Woodbury Drive Solon, Ohio 44139 | | | | | | Y |

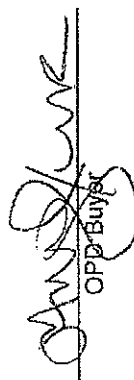
 OPD Buyer
 Department Signature of Approval
 Date: 9/27/11

**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Health & Human Services **PROPOSAL DUE DATE:** May 17, 2011

RFP TITLE: Cuyahoga County Fatherhood Initiative **RFP #:** HS - 11 - 19868 **SBE:** N/A

| TO BE COMPLETED BY OPD VENDOR NAME & ADDRESS | TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER | | | | USER DEPT. | |
|---|--|----------------|----------------|---------------|---------------|---------------------|
| | SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE | SBE PRIME % | TOTAL SBE % | COMPLY Y/N | | COMMENTS & INITIALS |
| Key Source, Pro Se Consulting & Training P.O. Box 46242 Bedford, Ohio 44146 | | | | | | N |
| MetroHealth System, The 2500 MetroHealth Drive Cleveland, Ohio 44109 | | | | | | Y |
| Murtis Taylor Human Services System 13422 Kinsman Road Cleveland, Ohio 44120 | | | | | | Y |
| Near Westside Multi-Service Center dba The May Dugan Center 4115 Bridge Avenue Cleveland, Ohio 44113 | | | | | | N |
| Nueva Luz Urban Resource Center 2226 West 89th Street Cleveland, Ohio 44102 | | | | | | Y |



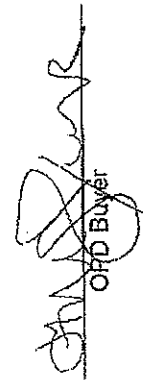
 Department Buyer
 Department Signature of Approval Date: 6/27/11

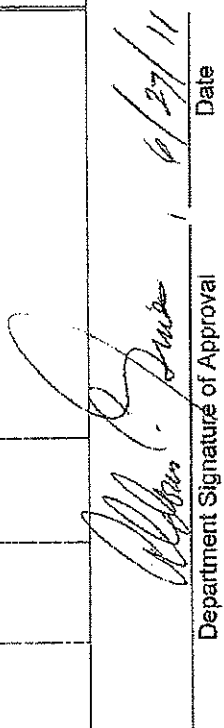
**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

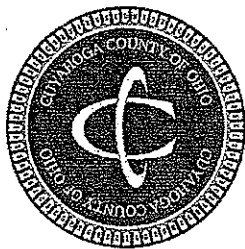
DEPARTMENT NAME: Health & Human Services **PROPOSAL DUE DATE:** May 17, 2011

RFP TITLE: Cuyahoga County Fatherhood Initiative **RFP #:** HS - 11 - 19868 **SBE:** N/A

| TO BE COMPLETED BY OPD | | TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER | | | | USER DEPT. |
|--|--|--|-------------|------------|---------------------|------------|
| VENDOR NAME & ADDRESS | SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE | SBE PRIME % | TOTAL SBE % | COMPLY Y/N | COMMENTS & INITIALS | AWARD Y/N |
| Passages Connecting Fathers and Sons, Inc. 3631 Perkins Avenue Cleveland, Ohio 44114 | | | | | | Y |
| Sure House Baptist Church 11318 Miles Avenue Cleveland, Ohio 44105 | | | | | | N |
| United Way of Greater Cleveland 2 - 1 - 1 Fatherhood Line 211/First Call for Help 1331 Euclid Avenue Cleveland, Ohio 44115 | | | | | | Y |
| University Settlement, Inc. 4800 Broadway Avenue Cleveland, Ohio 44127 | | | | | | Y |


OPD Buyer


Department Signature of Approval Date: 6/27/11



MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

| | |
|---------------------|--|
| Vendor's Legal Name | Cuyahoga County District Board of Health |
| Primary Owner | Terry Allan |
| Title | Health Commissioner |
| Address | 5550 Venture Drive |
| | Parma, Ohio 44130 |

| | |
|---------------------|---|
| Vendor's Legal Name | Career Development & Placement Strategies |
| Primary Owner | Maurice Stevens |
| Title | Executive Director |
| Address | 3631 Perkins Avenue, Suite 3CE |
| | Cleveland, Ohio 44114 |

| | |
|---------------------|----------------------------------|
| Vendor's Legal Name | Center for Families and Children |
| Primary Owner | Sharon Sobol Jordan |
| Title | President & CEO |
| Address | 4500 Euclid Avenue |
| | Cleveland, Ohio 44103 |

| | |
|---------------------|--------------------------|
| Vendor's Legal Name | Domestic Violence Center |
| Primary Owner | Linda Dooley Johaneck |
| Title | Chief Executive Officer |
| Address | Post Office Box 5466 |
| | Cleveland, Ohio 44101 |

| | |
|---------------------|---------------------|
| Vendor's Legal Name | JDC Advertising |
| Primary Owner | Joseph C. Hewitt |
| Title | Principal |
| Address | 6555 Woodbury Drive |
| | Solon, Ohio 44139 |

| | |
|---------------------|------------------------|
| Vendor's Legal Name | The MetroHealth System |
| Primary Owner | Judith Bodrock |
| Title | Director of Nursing |
| Address | 2500 MetroHealth Drive |
| | Cleveland, Ohio 44109 |

| | |
|---------------------|-------------------------------------|
| Vendor's Legal Name | Murtis Taylor Human Services System |
| Primary Owner | Lovell J. Custard |
| Title | President & CEO |
| Address | 13422 Kinsman Road |
| | Cleveland, Ohio 44120 |

| | |
|---------------------|-----------------------------------|
| Vendor's Legal Name | Nueva Luz Urban Resource Center |
| Primary Owner | Max Rodas |
| Title | Executive Director |
| Address | 2226 West 89 th Street |
| | Cleveland, Ohio 44102 |

| | |
|---------------------|---|
| Vendor's Legal Name | Office of Mediation |
| Primary Owner | Susan Organiscak |
| Title | Manager |
| Address | 1276 West 3 rd Street, Suite 100 |
| | Cleveland, Ohio 44113 |

| | |
|---------------------|---|
| Vendor's Legal Name | Passages Connecting Fathers and Sons Inc. |
| Primary Owner | Rev. B. A. Moore |
| Title | Executive Director |
| Address | 3631 Perkins Avenue |
| | Cleveland, Ohio 44114 |

| | |
|---------------------|---------------------------------|
| Vendor's Legal Name | United Way of Greater Cleveland |
| Primary Owner | Stephen Wertheim |
| Title | Director |
| Address | 1331 Euclid Avenue |
| | Cleveland, Ohio 44115 |

| | |
|---------------------|-------------------------------------|
| Vendor's Legal Name | University Settlement, Incorporated |
| Primary Owner | Tracey N. Mason |
| Title | Executive Director |
| Address | 4800 Broadway Avenue |
| | Cleveland, Ohio 44127 |

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0260

| | |
|---|---|
| Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Department of Children & Family Services | A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for placement services for the period 1/1/2011 - 9/30/2011 for additional funds, and declaring the necessity that this Resolution become immediately effective. |
|---|---|

WHEREAS, the Department of Children & Family Services has requested approval of amendments to various contracts with various providers for placement services for abused and/or neglected children for the period of 1/1/2011-9/30/2011 providing for additional funds in the total amount of \$2,036,846 00; and,

WHEREAS, these amendments are necessary to continue to provide placement services including foster care, residential care, independent living, group homes, shelter care and/or day treatment for Cuyahoga County children who have been abused and/or neglected; and,

WHEREAS, each of the five selected providers have evidenced above-average performance based upon evaluation of performance indicators for the period of 1/1/2011 – 6/20/2011; and,

WHEREAS, each of the five selected providers has experienced an increase in the number of children referred by the Department of Children and Family Services, and an increase in the resources and services required to adequately care for these children; and,

WHEREAS, funding for these amendments to contracts is provided through the Health and Human Services Levy.

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

SECTION 1. The County Executive is hereby authorized to enter into an amendment to the contracts for the period of 1/1/2011 – 9/30/2011 providing for additional funds in the total amount of \$2,036,846.00 set forth below as follows:

- 1) No. CE1100006-01 with Applewood Centers, Inc. in the amount not-to-exceed \$242,000.00.
- 2) No. CE1100010-01 with Catholic Charities Services Corporation (Parmadale) in the amount not-to-exceed \$300,000.00.



Item Details:

| | | | |
|-----------------------------|--|--------------------------------|--------------|
| Agency/Dept. Name: | Department of Children and Family Services | Agency/Dept. Head Name: | Rick Werner |
| Type of Request: | Contract/Amendment | | |
| Request Prepared by: | Kurtisene Cunningham | Telephone No.: | 216-881-4729 |

SUMMARY OF REQUESTED ACTION:

The Department of Children and Family Services (CFS) is requesting authorization from Cuyahoga County of Ohio to amend various contract amendments with various community-based providers of Placement Services, for the period January 1, 2011 to September 30, 2011 in the amounts as follows. Community-based residential services provider agencies serves the Department of Children and Family Services as a primary resource for placement of children who have been abused and/or neglected. This contract will help to expand the range of services available to children.

- The Twelve of Ohio, Inc.,+ \$249,362.00**
- Applewood Centers, Inc. +\$242,000.00**
- House of New Hope+ \$223,479.00**
- Parenthesis Family Advocates-+ \$82,380.00**
- Catholic Charities Services Corporation+ \$300,000.00**

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The Cuyahoga County Department of Children and Family Services (CFS) is requesting authorization to contract with various agencies providing placement services.

These agreements are for placement services which include foster care, residential care, independent living, group homes, shelter care and/or day treatment.

To protect children who cannot remain in their own homes and must be placed in substitute care until reunification or adoption can take place.

Provide the least restrictive placement consistent with the best interest and special needs of the child which prevent temporary placement with relatives, etc.

The Twelve of Ohio, Inc.,- Non-Profit Corporation -John D. Storia, Executive Director, 619 Tremont Ave., SW - PO Box 376, Massillon, OH 44648

Applewood Centers, Inc. - Non-Profit Corporation - Melanie K. Falls, Executive Director, Paulsen Center, 2525 East 22nd Street, Cleveland, OH 44115

House of New Hope- Non-Profit Corporation - Jeffrey R. Greene, Ph.D, Executive Director, 8135 Mt. Vernon Road, St. Louisville, OH 43071

Parenthesis Family Advocates- Non-Profit Corporation -Arlene Davey, Executive Director, 6500 Taylor Road SW, Reynoldsburg, OH 43068

Catholic Charities Services Corporation - Non-Profit Corporation - Maureen Dee, Executive Director, 6753 State Road, Cleveland, OH 44134

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Exempt from Competitive Bid Requirements

Explanation for Increase/Decrease in \$ Amount for current request:

Utilization

Financial Information:

Funding source: Explanation:

Other Health and Human Services Levy

Total Amount Requested:

\$1,097,221 00

ATTACHMENTS:

Click to download

- [Catholic Char Contract](#)
- [Cath Char DMA-CC](#)
- [Cath Char](#)
- [Catholic Char BB](#)
- [Parenthesis Contract](#)
- [Parenthesis DMA-CC](#)
- [Parenthesis Prin Owner](#)
- [Parenthesis BB](#)
- [House of New Hope Contract](#)
- [House of New Hope DMA-CC](#)
- [House of New Hope Prin Owner](#)
- [House of New Hope BB](#)

**CUYAHOGA COUNTY OF OHIO
CONTRACT EVALUATION FORM**

(To be completed in its entirety by user department for
all contract renewals or amendments.)

Contractor: Applewood Centers, Inc
Contract No.: CE1100006-01

Contract Period: 1/1/11 – 9/30/11
Evaluation Period: 1/1/11 – 6/ 29/11

Service Description: Applewood Centers Inc., created in 1997 by the merger of Children's Services, Inc. and the Guidance Centers, operates residential, foster care, adoption, and community-based programming. Children's Aid Society merged with this provider effective 7/1/2004. This enabled the provider to increase it's continuum of care to include residential services for younger children and increased capacity in the Partial Hospitalization program.

Original Contract Amount: \$1,286,250.00
Prior Amendment Amount: none

Performance Indicators: 1) rating of the quality of the program which includes the assessment of a safe environment, well-being of services provided ,along with the stability and appropriate length of stay; 2) observation of the quality of administrative functions, including submission of required reporting, timely reporting of incidents, level of communication as reported by resource managers and workers of record; and 3) the number and percentage of children who experience an indicated/substantiated reports of abuse/ neglect compared to the dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting time period. 4) the number and percentage of children who do not experience an indicated or substantiated abuse/neglect dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting period.

Rating of Overall Performance of Contractor (Check One):

Superior
 Above Average
 Average
 Below Average
 Poor

Justification of Rating: Applewood Centers, Inc serviced approximately 55 children during this evaluation period. Applewood has been able to provide services with minimal disruption. They are flexible in their treatment planning and have taken some of our more difficult teen girls and have been successful. They have not had any indicated or substantiated allegations of abuse or neglect during this time period. They have been timely with the reports and have maintained good communication with the agency staff.

Cuyahoga County Dept. of Children and Family Services
User Department

June 29, 2011
Date

**CUYAHOGA COUNTY OF OHIO
CONTRACT EVALUATION FORM**

(To be completed in its entirety by user department for
all contract renewals or amendments)

Contractor: Catholic Charities Services
Corporation

Contract Period: 1/1/11 – 9/30/11

Contract No.: CE1100010-01

Evaluation Period: 1/1/11 – 6/21/11

Service Description: Catholic Charities Services Corporation/Parmadale is a multi-service organization offering a complete array of human services including residential, foster care, adoptive, and in-home services. Residential services are provided at the Parmadale location. Founded in 1925, Parmadale has grown from a home for orphaned and dependent children to a facility offering specialized programs for children with emotional, behavioral and developmental issues. CFS contracts for all residential services, which includes approximately seventy five foster homes, principally in Cuyahoga County

Original Contract Amount: \$4,357,500.00

Prior Amendment Amount: none

Performance Indicators: 1) rating of the quality of the program which includes the assessment of a safe environment, well-being of services provided ,along with the stability and appropriate length of stay; 2) observation of the quality of administrative functions, including submission of required reporting, timely reporting of incidents, level of communication as reported by resource managers and workers of record; and 3) the number and percentage of children who experience an indicated/substantiated reports of abuse/ neglect compared to the dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting time period. 4) the number and percentage of children who do not experience an indicated or substantiated abuse/neglect dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting period.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: Catholic Charities Services Corporation serviced 136 children during this evaluation period. Catholic Charities Services Corporation completed this period with a minimal number of children experiencing no lateral or restrictive moves. There have been some allegation during this review period but none were indicated and/or substantiated. Catholic Charities provides services to some of the toughest children and has been willing to be flexible in its programming to meet the needs of the children they serve.

Cuyahoga County Dept. of Children and Family Services
User Department

June 21, 2011
Date

CUYAHOGA COUNTY OF OHIO
CONTRACT EVALUATION FORM

(To be completed in its entirety by user department for
all contract renewals or amendments.)

Contractor: House of New Hope
Contract No.: CE1100017-01

Contract Period: 1/1/11 – 9/30/11
Evaluation Period: 1/1/11 – 6/21/11

Service Description: House of New Hope, incorporated in 1993, provides traditional and treatment levels of foster care, as well as adoption services. CFS contracts for all levels of foster care, and utilizes this provider principally for large sibling groups and children with severe treatment issues.

Original Contract Amount: \$845,250.00
Prior Amendment Amount: none

Performance Indicators: 1) rating of the quality of the program which includes the assessment of a safe environment, well-being of services provided, along with the stability and appropriate length of stay; 2) observation of the quality of administrative functions, including submission of required reporting, timely reporting of incidents, level of communication as reported by resource managers and workers of record; and 3) the number and percentage of children who experience an indicated/substantiated reports of abuse/neglect compared to the dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting time period. 4) the number and percentage of children who do not experience an indicated or substantiated abuse/neglect dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting period.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: House of New Hope serviced approximately 70 children during this evaluation period. House of New Hope is able to provide placements for our larger sibling groups. They are very flexible in providing transportation to and from visitation and also often come to pick the children up for placement. House of New Hope had a limited number of placement moves and have maintained great communication with the agency staff. There have been no indicated and/or substantiated allegations of abuse or neglect against any of the foster homes that are licensed through House of New Hope.

Cuyahoga County Dept. of Children and Family Services
User Department

June 21, 2011
Date

**CUYAHOGA COUNTY OF OHIO
CONTRACT EVALUATION FORM**

(To be completed in its entirety by user department for
all contract renewals or amendments)

Contractor: Parenthesis Family Advocates, Incorporated Contract Period: 1/1/2011 – 9/30/11
Contract No.: CE1100020-01 Evaluation Period: 1/1/2011 - 6/30/11

Service Description: Parenthesis Family Advocates, founded in 1983, provides treatment foster care, adoption and post-adoptive services. Bases in Columbus, Ohio, it has recently expanded to include homes in Cuyahoga County.

Original Contract Amount: \$279,000.00
Prior Amendment Amount: none

Performance Indicators: 1) rating of the quality of the program which includes the assessment of a safe environment, well-being of services provided ,along with the stability and appropriate length of stay; 2) observation of the quality of administrative functions, including submission of required reporting, timely reporting of incidents, level of communication as reported by resource managers and workers of record; and 3) the number and percentage of children who experience an indicated/substantiated reports of abuse/ neglect compared to the dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting time period. 4) the number and percentage of children who do not experience an indicated or substantiated abuse/neglect dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting period.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: Parenthesis Family Advocates serviced approximately 20 children during this evaluation period. Parenthesis has been able to provide services to the children in their program with minimal to no disruptions. Parenthesis has been open to any suggestions that they agency may have regarding their program and have worked hard to meet the needs of the children they serve. There have been no substantiated or indicated allegations of abuse or neglect.

Cuyahoga County Dept. of Children and Family Services
User Department

June 21, 2011
Date

**CUYAHOGA COUNTY OF OHIO
CONTRACT EVALUATION FORM**

(To be completed in its entirety by user department for
all contract renewals or amendments.)

Contractor: The Twelve of Ohio, Inc.
Contract No.: CE1100016-01

Contract Period: 1/1/11 – 9/30/11
Evaluation Period: 1/1/11- 6/21/11

Service Description: The Twelve of Ohio, Inc. originally founded in 1965, has been providing residential services for adolescent boys since 1971. Today the organization also provides residential services for sex offender treatment, four levels of foster care, independent living and adoption services. CFS contracts for all services.

Original Contract Amount: \$945,000.00
Prior Amendment Amount: none

Performance Indicators: 1) rating of the quality of the program which includes the assessment of a safe environment, well-being of services provided ,along with the stability and appropriate length of stay; 2) observation of the quality of administrative functions, including submission of required reporting, timely reporting of incidents, level of communication as reported by resource managers and workers of record; and 3) the number and percentage of children who experience an indicated/substantiated reports of abuse/ neglect compared to the dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting time period. 4) the number and percentage of children who do not experience an indicated or substantiated abuse/neglect dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting period

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: The Twelve serviced approximately 65 children during this evaluation period in their foster homes and group home. The Twelve has been able to maintain placements and have had few disruptions. There have been no indicated or substantiated allegations this year. The Twelve maintains an open line of communication and turns in reports in a timely manner.

Cuyahoga County Dept. of Children and Family Services
User Department

June 21, 2011
Date



MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

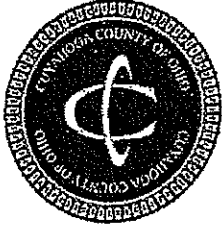
| | |
|---------------------|---|
| Vendor's Legal Name | Applewood Centers, Inc. |
| Primary Owner | N/A – non-profit |
| Title | |
| Address | Paulson Center, 2525 East 22nd Street, Cleveland, Ohio 44115-3266 |

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|---------------------|--|
| Vendor's Legal Name | |
| Primary Owner | |
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MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

| | |
|---------------------|---|
| Vendor's Legal Name | Catholic Charities Services Corporation dba Parmadale |
| Primary Owner | Maurcen Dee |
| Title | Executive Director |
| Address | 6753 State Road, Cleveland, Ohio 44134 |
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| Vendor's Legal Name | |
| Primary Owner | |
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MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

| | |
|---------------------|--|
| Vendor's Legal Name | HOUSE OF NEW HOPE |
| Primary Owner | HOUSE OF NEW HOPE BOARD OF TRUSTEES |
| Title | |
| Address | 8135 Mt. Vernon Rd., St. Louisville, OH. 43071 |

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|---------------------|--|
| Vendor's Legal Name | |
| Primary Owner | |
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Office of Procurement & Diversity
1219 Ontario Street, Cleveland, Ohio 44113, (216) 443-7184, FAX (216) 443-7206
Ohio Relay Service (TTY) 1-800-750-0750



MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

| | |
|----------------------------|---|
| Vendor's Legal Name | Paranthesis Family Advocates |
| Primary Owner | Arlene C. Davey |
| Title | Executive Director |
| Address | 6500 Taylor Road SW, Reynoldsburg, OH 43068 |

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| Vendor's Legal Name | |
| Primary Owner | |
| Title | |
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Please Note: The Twelve of Ohio, Inc. is a non-profit corporation overseen by a Board of Trustees. There are no owners.

MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

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| Vendor's Legal Name | |
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County Council of Cuyahoga County, Ohio

Resolution No. R2011-0261

| | |
|---|---|
| Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Department of Children & Family Services | A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for placement services for the period 1/1/2011 - 9/30/2011 for additional funds, and declaring the necessity that this Resolution become immediately effective. |
|---|---|

WHEREAS, the County Executive/Department of Health and Human Services/Children and Family Services Division has recommended amendments to contracts with various providers for placement services to add additional funds for the period 1/1/2011 - 9/30/2011; and,

WHEREAS, these agreements are for placement services which include foster care, residential care, independent living, group homes, shelter care and/or day treatment; and,

WHEREAS, amendments to add additional funds to several contracts are necessary due to increased utilization of the providers; and,

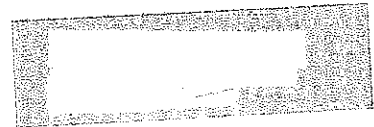
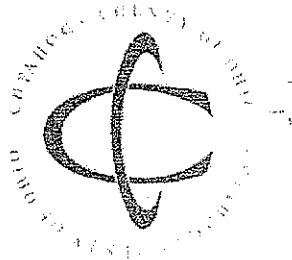
WHEREAS, contract deliverables include, but are not limited to, parent advocacy and support, youth involvement and development services, parent support resource activities and services, and community outreach, engagement, and resource development; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County.

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

SECTION 1. The County Executive is hereby authorized to enter into contract amendments with various providers for placement services to add additional funds for the period 1/1/2011 - 9/30/2011, as listed below:

- 1) No. CE1100006-01 with Applewood Centers, Inc in the amount not-to-exceed \$242,000.00.
- 2) No. CE1100010-01 with Catholic Charities Services Corporation (Parmadale) in the amount not-to-exceed \$300,000.00.



Item Details:

| | | | |
|--|--|--------------------------------|----------------|
| Agency/Dept. Name: | Department of Children and Family Services | Agency/Dept. Head Name: | Mr Rick Werner |
| Type of Request: | Contract/Amendment | | |
| Request Prepared by: | Gregory E. Jones | Telephone No.: | (216) 881-4495 |
| SUMMARY OF REQUESTED ACTION: | | | |
| <p>The Department of Children and Family Services (CFS) is requesting authorization from Cuyahoga County of Ohio to amend various contract amendments with various community-based providers of Placement Services, for the period January 1, 2011 to September 30, 2011 in the amounts as follows. Community-based residential services provider agencies serves the Department of Children and Family Services as a primary resource for placement of children who have been abused and/or neglected. This contract will help to expand the range of services available to children.</p> | | | |
| VENDOR'S NAME: Alliance Human Services Inc. CE1100001-01 +\$405,000.00 | | | |
| 134 Rumford Avenue, Suite #306 Newton, MA 02465 Contact: Mary A. McCarthy, President Telephone No: (617) 332-3366 | | | |
| VENDOR'S NAME: National Youth Advocate Program, Inc. CE1100023-01 +\$550,000.00 | | | |
| 1801 Watermark Dr., Suite #200 Columbus, OH. 43215 Contact: Chris Kirk, Director of Service Reception Telephone No: (614) 487-8758 | | | |
| VENDOR'S NAME: The Bair Foundation CE1100015-01 +\$341,846.00 | | | |
| 241 High Street New Wilmington, PA 16142 Contact: Susan J. Miklos, Executive Director Telephone No: (724) 946-8411 | | | |
| VENDOR'S NAME: S.T.A.R.T CE1100025-01 +\$465,000.00 | | | |
| 168 W. 25th Street | | | |

Cleveland, OH. 44113 Contact: Mark W. Brauer, Executive Director
Telephone No: (216) 669-0370

VENDOR'S NAME: Options for Families and Youth CE1100012-01 +\$275,000.00
5131 West 140th Street
Brook Park, OH. 44142 Contact: Michael D. Rush, Executive Director
Telephone No: (216)267-7070

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The Cuyahoga County Department of Children and Family Services (CFS) is requesting authorization to contract with various agencies providing placement services.

These agreements are for placement services which include foster care, residential care, independent living, group homes, shelter care and/or day treatment

To protect children who cannot remain in their own homes and must be placed in substitute care until reunification or adoption can take place.

Provide the least restrictive placement consistent with the best interest and special needs of the child which prevent temporary placement with relatives, etc.

Principal Owner(s):

Alliance Human Services - Non-Profit Corporation - Mary A. McCarthy, President and CEO, 134 Rumford Avenue, Suite 306, Newton, MA 02465

National Youth Advocate Program, Inc.: Non-Profit Corporation - Chris Kirk, Director of Service Reception, 1801 Watermark Dr., Suite 200, Columbus, OH 43215

The Bair Foundation - Non-Profit Corporation - Susan J. Miklos, Executive Director, 241 High Street, New Wilmington, PA 16142

S.T.A.R.T- Support To At-Risk Teens: Non-Profit Corporation - Mark W. Brauer, Executive Director, 1468 W. 25th Street, Cleveland, OH 44113

Options For Families and Youth - Non-Profit Corporation - Michael D. Rush, Executive Director, 5131 West 140th Street, Brook Park, OH 44142

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Exempt from Competitive Bid Requirements

Explanation for Increase/Decrease in \$ Amount for current request:

Utilization

Financial Information:

| | |
|--------------------------------|--------------------------------|
| Funding source: | Explanation: |
| Other | Health and Human Services Levy |
| Total Amount Requested: | |
| \$2,036,846.00 | |

ATTACHMENTS:

Click to download

- [2011 Alliance Human Services Amend #1SD.pdf](#)
- [2011 Alliance Human Services DMA-CC.pdf](#)
- [2011 Alliance Human Services Principal Owner Form.pdf](#)
- [2011 Alliance Human Services Amend #1 Bb.doc](#)
- [2011 National Youth Advocate Program, Inc. Amendment 1SD.pdf](#)
- [2011 National Youth Advocate Program, Inc DMA-CC.pdf](#)
- [2011 NYAP Principal Owner form.pdf](#)
- [2011 National Youth Advocate Program, Inc. Amendment 1BB.doc](#)
- [2011 The Bair Foundation Amend #1 SD.pdf](#)
- [2011 The Bair Foundation DMA-CC.pdf](#)
- [2011 The Bair Principal Owner Form.pdf](#)
- [2011 The Bair Foudation Blueback Amend 1.doc](#)
- [2011 S.T.A.R.T Support to At Risk Teens Amendment #1 SD.pdf](#)
- [2011 S.T.A.R.T Support to At Risk Teens DMA-CC.pdf](#)
- [2011 S.T.A.R.T Support to At Risk Teens Principal Owner Form.pdf](#)
- [2011 Amend 1 START Blueback .doc](#)
- [2011 Options for Families and Youth Amend #1 SD.pdf](#)
- [2011 Options for Families and Youth DMA-CC.pdf](#)
- [2011 Options for Families and Youth Principle Owner Form.pdf](#)
- [2011 Options for Families and Youth Amend #1 Bb.doc](#)
- [AllianceHumanServices-Evaluation](#)
- [NationalYouthAdvocacy-Evaluation](#)
- [BairFoundation-Evaluation](#)
- [S.T.A.R.T. - Evaluation](#)
- [OptionsforFamilies-Evaluation](#)
- [RevisedHistoryLog](#)
- [VariousProvider checklist-boardandcare](#)

History

| Time | Who | Approval |
|-------------------|---|----------|
| 7/21/2011 2:55 PM | Office of Procurement & Diversity Clerk of the Board | Yes |

**CUYAHOGA COUNTY OF OHIO
CONTRACT EVALUATION FORM**

(To be completed in its entirety by user department for
all contract renewals or amendments.)

Contractor: Alliance Human Services, Inc
Contract No.: CE1100001-01

Contract Period: 1/1/11 – 9/30/11
Evaluation Period: 1/1/11- 6/21/11

Service Description: Alliance Human Services, Inc provides traditional and specialized foster care services, accepting difficult to place populations such as adjudicated delinquents, lower functioning/MRDD, and severely behaviorally and/or emotionally disturbed children. CFS contracts for four levels of care.

Original Contract Amount: \$2,362,500.00
Prior Amendment Amount: none

Performance Indicators: 1) rating of the quality of the program which includes the assessment of a safe environment, well-being of services provided, along with the stability and appropriate length of stay; 2) observation of the quality of administrative functions, including submission of required reporting, timely reporting of incidents, level of communication as reported by resource managers and workers of record; and 3) the number and percentage of children who experience an indicated/substantiated reports of abuse/ neglect compared to the dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting time period. 4) the number and percentage of children who do not experience an indicated or substantiated abuse/neglect dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting period.

Rating of Overall Performance of Contractor (Check One):

Superior
 Above Average
 Average
 Below Average
 Poor

Justification of Rating: Alliance Human Services, Inc has services approximately 120 children during this evaluations period. Alliance Human Services completed this period with a minimal number of children experiencing no lateral or restrictive moves. The provider also had no substantiated or indicated abuse/neglect allegations. Alliance has been willing to take some of our most difficult children and work with them and has maintained good communication with agency staff.

Cuyahoga County Dept. of Children and Family Services
User Department

June 21, 2011
Date

**CUYAHOGA COUNTY OF OHIO
CONTRACT EVALUATION FORM**

(To be completed in its entirety by user department for
all contract renewals or amendments.)

Contractor: National Youth Advocate Program, Inc
Contract No.: CE110023-01

Contract Period: 1/1/11 - 9/30/11
Evaluation Period: 1/1/11- 6/20/11

Service Description: National Youth Advocate Program, Inc., formerly the Ohio Youth Advocate Program (OYAP), was founded in 1978. The national organization operates programs in six other states besides Ohio. OYAP has approximately 200 homes throughout Ohio, including approximately thirty in Cuyahoga County. CFS contracts for traditional and three levels of specialized foster care.

Original Contract Amount: \$921,450.00
Prior Amendment Amount: none

Performance Indicators: 1) rating of the quality of the program which includes the assessment of a safe environment, well-being of services provided, along with the stability and appropriate length of stay; 2) observation of the quality of administrative functions, including submission of required reporting, timely reporting of incidents, level of communication as reported by resource managers and workers of record; and 3) the number and percentage of children who experience an indicated/substantiated reports of abuse/ neglect compared to the dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting time period. 4) the number and percentage of children who do not experience an indicated or substantiated abuse/neglect dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting period.

Rating of Overall Performance of Contractor (Check One):

Superior
 Above Average
 Average
 Below Average
 Poor

Justification of Rating: National Youth Advocate Program services approximately 135 children during this evaluation period. National Youth Advocate Program has maintained open communication with the agency regarding the children that have been placed within their foster homes. The program has worked hard to maintain placements and have minimal movements within their agency. There have been no indicated and/or substantiated allegations of abuse and/or neglect against the agency.

Cuyahoga County Dept. of Children and Family Services
User Department

June 21, 2011
Date

**CUYAHOGA COUNTY OF OHIO
CONTRACT EVALUATION FORM**

(To be completed in its entirety by user department for
all contract renewals or amendments)

Contractor: Options for Families and Youth
Contract No.: CE1100012-01

Contract Period: 1/1/11 – 9/30/11
Evaluation Period: 1/1/11 – 6/21/11

Service Description: Options for Families and Youth (OFY) is a nonprofit organization providing traditional and specialized levels of foster care as well as adoption and early start services. OFY has approximately 50 homes in Cuyahoga County.

Original Contract Amount: \$1,164,000.00
Prior Amendment Amount: none

Performance Indicators: 1) rating of the quality of the program which includes the assessment of a safe environment, well-being of services provided ,along with the stability and appropriate length of stay; 2) observation of the quality of administrative functions, including submission of required reporting, timely reporting of incidents, level of communication as reported by resource managers and workers of record; and 3) the number and percentage of children who experience an indicated/substantiated reports of abuse/ neglect compared to the dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting time period. 4) the number and percentage of children who do not experience an indicated or substantiated abuse/neglect dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting period.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: Options for Youth serviced approximately 86 children during this evaluation period. Option for Youth has been able to maintain these children in their foster homes with minimal disruptions. They are able to provide services that are needed and also maintain communication with the agency through quarterly reports. They also attend meetings to discuss the children that are placed in their foster homes. They have been no indicated or substantiated allegations of abuse or neglect.

Cuyahoga County Dept. of Children and Family Services
User Department

June 21, 2011
Date

**CUYAHOGA COUNTY OF OHIO
CONTRACT EVALUATION FORM**

(To be completed in its entirety by user department for
all contract renewals or amendments)

Contractor: The Bair Foundation
Contract No.: CE1100015-01

Contract Period: 1/1/11 – 09/30/11
Evaluation Period: 1/1/11- 06/21/11

Service Description: The Bair Foundation, founded in 1967 in New Wilmington Pennsylvania, now operates in six states. It has homes in nineteen counties in Ohio, with six homes in Cuyahoga County. Services include case management, crisis intervention, counseling, independent living, and adoption.

Original Contract Amount: \$1,498,125.00
Prior Amendment Amount: none-

Performance Indicators: 1) rating of the quality of the program which includes the assessment of a safe environment, well-being of services provided ,along with the stability and appropriate length of stay; 2) observation of the quality of administrative functions, including submission of required reporting, timely reporting of incidents, level of communication as reported by resource managers and workers of record; and 3) the number and percentage of children who experience an indicated/substantiated reports of abuse/ neglect compared to the dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting time period. 4) the number and percentage of children who do not experience an indicated or substantiated abuse/neglect dispositional finding perpetrated by a foster or congregate caregiver by placement type for the reporting period.

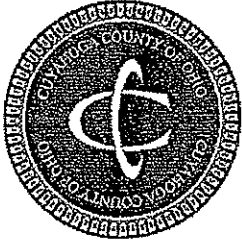
Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: The Bair Foundation services approximately 100 children in their foster homes during this evaluation period. The Bair Foundation absorbed homes from another provider last year and has been able to maintain these homes and the children that were in them with minimal disruption. Bair Foundation maintains a high level of communication with their resource manager and also the worker of record for the children placed in their homes. There have been no substantiated or indicated abuse or neglect allegations against any of the Bair Foundation Homes

Cuyahoga County Dept. of Children and Family Services
User Department

June 21, 2011
Date



MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

| | |
|---------------------|---|
| Vendor's Legal Name | Alliance Human Services, Inc. |
| Primary Owner | N/A Non-Profit |
| Title | Mary A. McCarthy, President |
| Address | 134 Rumford Avenue, Suite 306, Newton, MA 02465 |

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|---------------------|--|
| Vendor's Legal Name | |
| Primary Owner | |
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MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

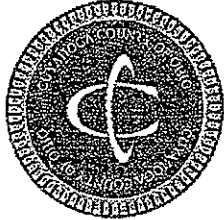
| | |
|---------------------|---|
| Vendor's Legal Name | National Youth Advocate Program Inc. |
| Primary Owner | N/A Non-Profit |
| Title | Chris Kirk, Director of Service Reception |
| Address | 1801 Watermark Dr, Suite 200, Columbus ,OH. 43215 |
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| Vendor's Legal Name | |
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MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

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|---------------------|--|
| Vendor's Legal Name | Options For Families and Youth |
| Primary Owner | Michael D. Rush, LISW-S Non-Profit |
| Title | Executive Director |
| Address | 5131 West 140th Street Brook Park, Ohio 44142 |

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| Vendor's Legal Name | |
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MEMORANDUM

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Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

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| Vendor's Legal Name | S.T.A.R.T-Support To At-Risk Teens |
| Primary Owner | N/A Non-Profit |
| Title | Mark W. Brauer, Executive Director |
| Address | 1468 W. 25 th St., Cleveland, OH. 44113 |
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| Vendor's Legal Name | |
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MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

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|---------------------|--|
| Vendor's Legal Name | The Bair Foundation |
| Primary Owner | N/A Non-Profit |
| Title | Susan J. Miklos, Executive Director |
| Address | 241 High Street, New Wilmington, PA. 16142 |

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| Vendor's Legal Name | |
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County Council of Cuyahoga County, Ohio

Resolution No. R2011-0238

| | |
|--|---|
| Sponsored by: County Executive FitzGerald/Department of Development | A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland Heights in the amount not-to-exceed \$512,500.00 for lead hazard remediation for the period 7/1/2011 - 7/31/2014, and declaring the necessity that this Resolution become immediately effective. |
|--|---|

WHEREAS, the Department of Development has requested approval of an agreement with City of Cleveland Heights in the amount not-to-exceed \$512,500.00 for lead hazard remediation for the period 7/1/2011 - 7/31/2014; and,

WHEREAS, a Lead Hazard Reduction Demonstration grant was awarded to the Cuyahoga County Board of Health in January 2011 to clean up lead and other health hazards, train workers in lead safety methods, and increase public awareness about childhood lead poisoning; and,

WHEREAS, The Board of Health partnered with the Department of Development and others to implement this grant; and

WHEREAS, As a sub-grantee, the department is entering into an agreement with the City of Cleveland Heights to administer Lead Remediation in at least 50 units, including client intake, qualification, remediation and construction management; and,

WHEREAS, The City of Cleveland Heights will carry out lead remediation at the homes of low-income families, with children under age six living in the home with elevated blood levels indicative of blood poisoning; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County.

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

SECTION 1. The County Executive is hereby authorized to enter into an agreement with the City of Cleveland Heights in the amount not-to-exceed \$512,500.00 for lead hazard remediation for the period 7/1/2011 – 7/31/2014.

SECTION 2. It is necessary that this Resolution become immediately effective to assure that service can commence and not jeopardize Federal funding secured for lead hazard remediation. Provided that this Resolution receives the affirmative vote

of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 26, 2011

Committee(s) Assigned: Economic Development & Planning and Environment & Sustainability

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0239

| | |
|--|--|
| Sponsored by: County Executive FitzGerald/Department of Development | A Resolution authorizing awards to various municipalities, in the total amount of \$1,150,000.00, for various municipal grant projects for the Neighborhood Stabilization Program for the period of 7/12/2011 – 1/11/2013; authorizing the County Executive to enter into agreements consistent with said awards. |
|--|--|

WHEREAS, the County Executive and the Department of Development have recommended awards to various municipalities for various municipal grant projects for the Neighborhood Stabilization Program 3 (NSP3) for the period 7/12/2011 – 1/11/2013; and

WHEREAS, the Neighborhood Stabilization Program 3 purchases and redevelops foreclosed properties in residential neighborhoods to help stabilize communities; and

WHEREAS, all eligible municipalities were invited to submit funding proposals in a competitive process; and

WHEREAS, the Department of Development has reviewed and scored all the NSP3 applications according to program guidelines; and

WHEREAS, each selected municipality will carry out eligible Neighborhood Stabilization Program 3 activities as set forth in their written funding proposal; and

WHEREAS, funding for these awards comes from federal Department of Housing and Urban Development funds in connection with the NSP3 Community Development Block Grant (CDBG) monies.

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

SECTION 1. That the recommended awards to the following municipalities, to carry out the eligible Neighborhood Stabilization Program activities set forth in their written funding proposals for the period of 7/12/2011 – 1/11/2013, are approved, and the County Executive is hereby authorized to enter into agreements with each municipality consistent with their award as follows:

- a) City of Bedford in the amount of \$150,000.00
- b) City of Cleveland Heights in the amount of \$250,000.00

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0240

| | |
|--|--|
| Sponsored by: County Executive FitzGerald/Department of Development | A Resolution authorizing awards to various municipalities, in the total amount of \$2,109,532.00, for various municipal grant projects for the Community Development Block Grant Program for the period 7/1/2011 – 12/31/2012; authorizing the County Executive to enter into agreements consistent with said awards. |
|--|--|

WHEREAS, the Department of Development has recommended awards to various municipalities, in the total amount of \$2,109,532.00, for municipal grant projects utilizing the Community Development Block Grant Program funds for the period of 7/1/2011 – 12/31/2012; and

WHEREAS, the Municipal Grant Program allows 51 Urban County Communities to apply for CDBG funded FY2011 Municipal Grant Program from the Department of Development; and

WHEREAS, eligible projects must meet one of HUD's national objectives, benefit low-moderate income persons, aid in the prevention of slum and blight, or meet other urgent community needs; and

WHEREAS, 21 of the Urban County Communities submitted 36 applications for various projects which were reviewed and scored by the Department of Development in accordance with program guidelines; and

WHEREAS, funding for these awards comes solely from federal Department of Housing and Urban Development in connection with the CDBG funds.

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

SECTION 1. That the recommended awards to the following municipalities, in the total amount of \$2,109,532.00, for various municipal grant projects for the Community Development Block Grant Program for the period of 7/1/2011 – 12/31/2012 are hereby approved, and authorizing the County Executive to enter into agreements with each municipality consistent with said awards as follows:

- a) City of Maple Heights for the Broadway Avenue Reconstruction Project in the amount of \$500,000.00
- b) City of North Olmsted for the Country Club Boulevard Streetscape Project in the amount of \$350,000.00

- c) Village of Oakwood for the Richmond-Broadway Intersection Realignment Project in the amount of \$350,000.00
- d) City of Parma Heights for the Ackley Boulevard Reconstruction Project Phase 2 in the amount of \$150,000.00
- e) City of Bedford for the Historic Bedford Automobile Enhancement Project in the amount of \$150,000.00
- f) City of Shaker Heights for the Gridley Triangle Park Improvements Project in the amount of \$120,000.00
- g) City of Bay Village for the Senior Center ADA Improvements Project in the amount of \$49,900.00
- h) City of Brooklyn for the Removing Barriers to Limited Mobility Seniors and Handicapped Individuals Project in the amount of \$93,312.00
- i) City of Berea for the Polish Village Neighborhood Improvement Project Phase 2 in the amount of \$150,000.00
- j) Village of Woodmere for the Police and Fire Department Building and Site Improvement Project in the amount of \$136,320.00
- k) Village of Newburgh Heights for a Comprehensive Community Development Plan Update in the amount of \$30,000.00
- l) City of Fairview Park for a Master Plan Update in the amount of \$30,000.00.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 26, 2011
Committee(s) Assigned: Economic Development & Planning

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0241

| | |
|--|---|
| Sponsored by: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board | A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000585-01 with United Labor Agency, Inc. for Employment Connection employer services for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012 and for additional funds in the amount of \$1,272,000.00; and declaring the necessity that this Resolution become immediately effective. |
|--|---|

WHEREAS, the Department of Workforce Development requested approval of an amendment to Contract No. CE1000585-01 with United Labor Agency, Inc. for Employment Connection employer services for the period 7/1/2010 – 6/30/2011 to extend the time period to 6/30/2012 and for additional funds in the amount of \$1,272,000.00; and

WHEREAS, the contract with United Labor Agency provides services to match job seekers to available jobs, work with local Chambers of Commerce and economic development organizations, aid local employers with human resource services by screening and referring applicants for employment, and marketing available services and programs to employers; and

WHEREAS, Workforce Investment Act allocations were not known until the beginning of June, and contract negotiations did not commence until after such allocations were known, and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County.

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

SECTION 1. That the County Executive/Department of Workforce Development is hereby authorized to enter into an amendment to Contract No. CE1000585-01 with United Labor Agency, Inc. for Employment Connection employer services for the period 7/1/2010 – 6/31/2011 to extend the time period to 6/30/2012 and for additional funds in the amount \$1,272,000.00.

SECTION 2. It is necessary that this Resolution become immediately effective to assure that service can continue and not jeopardize Federal funding secured for workforce investment. Provided that this Resolution receive the affirmative vote of

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0242

| | |
|--|--|
| Sponsored by: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board | A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for Employment Connection One-Stop operation and services to adult job seekers for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012 and for additional funds; and declaring the necessity that this Resolution become immediately effective. |
|--|--|

WHEREAS, the County Executive/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board has requested approval of amendments to various contracts with various providers for Employment Connection One-Stop operation and services to adult job seekers for the period of 7/1/2010 – 6/30/2011 to extend the time period to 6/30/2012, and for additional funds in the total amount of \$2,379,825.00; and,

WHEREAS, these amendments are necessary to continue to offer employment connection services mandated by the federal Workforce Investment Act (WIA) to adults and dislocated worker job seekers; and,

WHEREAS, the contracted services include job search and placement assistance, career guidance, labor market information (which identifies job vacancies, skills needed for in-demand jobs, and local, regional and national employment trends), assessment of skills and needs, development of individual employment plans, case management, and providing follow-up services after job placement; and,

WHEREAS, all three selected providers have documented above-average performance for the period of 7/1/2010 – 6/30/11 based upon performance indicators and meeting performance expectations which has resulted in the Department of Workforce Development meeting or exceeding all federal performance indicators; and,

WHEREAS, funding for these amendments is provided through the federal Workforce Investment Act.

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

SECTION 1. That the County Executive is hereby authorized to amend Contract No. CE1000591-01 with United Labor Agency, Inc. for the additional period of 7/1/2011 – 6/30/2012 in the amount of \$2,028,000.00.

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0037

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| Sponsored by: County Executive Edward FitzGerald | An Ordinance establishing the Department of Public Safety and Justice Services and amending Ordinance No. O2011-0027 to remove the Animal Shelter from the Department of Public Works and placing it in the Department of Public Safety and Justice Services; and declaring the necessity that this Ordinance become immediately effective. |
|---|--|

WHEREAS, Charter Section 3 09, subsection 2, gives Cuyahoga County Council the authority “[t]o establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in this Charter, as the Council determines to be necessary for the efficient administration of the County;” and,

WHEREAS, currently the offices of Witness/Victim, Office of Mediation, Cuyahoga Emergency Communications System, Office of Emergency Management, Public Safety Grants and Training, Public Safety Administration, and Cuyahoga Regional Information Systems are housed under the Department of Justice Affairs; and,

WHEREAS, the Department of Justice Affairs is not specifically delineated in the Charter of Cuyahoga County, yet such department existed under the prior form of government; and,

WHEREAS, the Cuyahoga County Animal Shelter is currently housed in the Department of Public Works; and,

WHEREAS, the Council determines that the Cuyahoga County Animal Shelter promotes public safety by the provision of humane dog control; and,

WHEREAS, this Council’s purpose and intent in formally establishing the Department of Public Safety and Justice Services is to recognize the continued existence of the Department of Justice Affairs and to house all current Justice Affairs offices and the Cuyahoga County Animal Shelter within the Department of Public Safety and Justice Services in order to more efficiently and effectively provide for a safer community, ensuring justice, support and recovery for all citizens; and,

WHEREAS, the Council has determined that the creation of a Department of Public Safety and Justice Services is necessary for the efficient administration of the County; and,

WHEREAS, this Council determines that it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County Department.

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

SECTION 1. The Department of Public Safety and Justice Services is hereby officially established, and it shall be its own appointing authority pursuant to Section 9 04 of the Cuyahoga County Charter.

SECTION 2. The duties, functions, and employees of the former Department of Justice Affairs, which has historically operated as its own department, and the Cuyahoga County Animal Shelter, which is currently housed in the Department of Public Works, are hereby incorporated into the herein established Department of Public Safety and Justice Services. The Department of Public Safety and Justice Services shall contain the following divisions: (a) Public Safety & Justices Services Administration, (b) Public Safety Grants, (c) Information Technology, (d) Office of Emergency Management, (e) Animal Services, (f) Witness/Victim, and (g) Mediation. The Department shall also contain the following sections: (a) Cuyahoga Regional Information System and (b) Cuyahoga Emergency Communications System. The specific goals, duties, and activities of the Department of Public Safety and Justice Services and its divisions shall be further determined by the County Executive who shall employ and supervise a Director and such number of deputies, assistants, and employees as shall be reasonably necessary in carrying out the duties of the new Department of Public Safety and Justice Services. Nothing in this Ordinance is intended to limit the ability of the County Executive and the Director of the Department of Public Safety and Justice Services to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

SECTION 3. Section 1, subsection 2 of Ordinance No. O2011-0027, adopted July 12, 2011, is hereby amended as follows to remove the Animal Shelter out of the Department of Public Works (additions are bolded, deletions are stricken out):

The duties and functions of the former Department of Central Services shall be incorporated into the Department of Public Works unless otherwise provided for in a future ordinance. The Department of Public Works shall contain the following divisions and sections: (a) Finance and Planning Division, containing a Finance and Planning Section, (b) Maintenance Division, **and** (c) County Engineer Division, containing a Design Section and a Construction Section. ~~, and (d) Animal Shelter Division.~~

SECTION 4. The Department of Public Safety and Justice Services shall submit a proposed operating budget to Council for approval at such time as the County Executive is able to create a schedule of estimated revenues and proposed expenditures for the Department of Public Safety and Justice Services.

SECTION 5. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall be come immediately effective upon the signature of the County Executive.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:
Committee Assigned:

Journal
Date:

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0038

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| Sponsored by: County Executive FitzGerald/Human Resource Commission | An Ordinance providing for the adoption of various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Ordinance become immediately effective. |
|--|--|

WHEREAS, Section 9.01 of the Charter of Cuyahoga County states that the County's human resources policies and systems shall be established by ordinance and shall be administered in such a manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, Section 9.03 of the Charter of Cuyahoga County states that the Cuyahoga County Human Resource Commission shall administer a clear, countywide classification and salary administration system for technical, specialist, administrative and clerical functions with a limited number of broad pay ranges within each classification; and,

WHEREAS; Section 2.10 of the Cuyahoga County Personnel Policies and Procedures Manual (Ordinances No. O2011-0015 and O2011-0028) states that the employment of all classified County employees is subject to the provisions of the Ohio Revised Code, the Ohio Administrative Code, the Cuyahoga County Administrative Rules and the Policies and Procedures Manual; and,

WHEREAS, the Director of Human Resources submitted several proposed changes to the Cuyahoga County Non-Bargaining Classification Plan to the Human Resource Commission; and,

WHEREAS, on August 3, 2011, the Human Resource Commission adopted a motion recommending that the classification changes attached as Exhibits A through D to this Ordinance be submitted to County Council for approval; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County agency.

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

SECTION 1. Council hereby adopts the following changes to the Cuyahoga County Non-Bargaining Classification Plan:

New Classifications

Exhibit A: Class Title: *Human Resource Specialist*
Number: 1053712
Pay Grade: 14

Exhibit B: Class Title: *Human Resource Analyst*
Number: 1053711
Pay Grade: 9

Exhibit C: Class Title: *Recruitment and Retention Manager*
Number: 1053634
Pay Grade: 16

Exhibit D: Class Title: *Training Manager*
Number: 1053645
Pay Grade: 14

SECTION 2. It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of a County agency. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution 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 Resolution was duly adopted

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: _____

Committee Assigned: _____

Journal _____

CUYAHOGA COUNTY CLASSIFICATION SPECIFICATION

| | | | |
|---------------------|---------------------------|----------------------|---------|
| Class Title: | Human Resource Specialist | Class Number: | 1053712 |
| | | Pay Grade: | 14 |

| | |
|---------------------|---------------------------------|
| Departments: | Human Resource Department, only |
|---------------------|---------------------------------|

Classification Function

The purpose of this classification is to oversee and guide the human resource function for County departments as assigned. Human resource services include employment, benefits, personnel policy administration, labor and employee relations and training and development.

Essential Job Functions

The following duties are normal for this classification. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Assists in planning, developing, organizing, implementing, evaluating and directing the Human Resource Department
- Responsible for a variety of human resource services including benefits, recruitment, classification and compensation (e.g. - assists with enforcement of administrative rules for the purpose of carrying out the functions, powers and duties of the County Human Resource Department; reviews position descriptions or job postings as positions become vacant or change; researches classification plan for appropriate classification of new positions; assists develop personnel policy administration and training and development)
- Participates in employee discipline process (e.g. - conducts employment investigation for employees who have allegedly violated work rules or other County policies; presides as hearing officer in pre-disciplinary conferences; interviews witnesses; evaluates evidence and prepares a written report presenting the facts of the case; conducts 3rd step grievances and serves as a liaison to the agency on labor relations matters; assists the Deputy Director in the preparation of defense of employment cases)
- Serves as a lead worker over Human Resource Analysts (e.g. - plans, coordinates, assigns and reviews work; provides input into performance evaluations)
- Represents the Department in various capacities (e.g. - assists representing the County in all matters before the Human Resource Commission, EEOC, OCRC, SERB, and the Unemployment Commission; serves as contact person for staff for employee relations matters including questions on policies and procedures; represents the County in matters pertaining to labor and employment)
- Reviews all requests from department directors for replacement personnel; consults with department directors to ensure appropriate staffing levels in order to eliminate and/or correct problem areas and improve services
- Reviews and approves requests for leaves (e.g. - FMLA, Medical Leave, Personal Leave, Etc.); ensures compliance with and must be proficient in employment regulations such as FMLA, ADA and FLSA
- May coordinate special projects (e.g. - establishes goals and timelines; facilitates, oversees and expedites the paper flow for processing paperwork for various forms (new hire packets, promotions, FMLA forms); ensures timelines of sensitive transactions are completed in a timely manner)
- Performs miscellaneous duties (e.g. - maintains organizational structure in HRIS; oversees the administration of provisions in the collective bargaining agreements)

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in human resources, labor relations or employment relations with nine years of personnel experience including three years in a supervisory capacity; or any equivalent combination of training and experience

Additional Requirements

SPHR Certification is required upon hire

Minimum Physical and Mental Abilities Required to Perform Essential Job Functions**Physical Requirements**

- Ability to operate a variety of automated office machines including personnel computer, printer, and copier

Supervisory Responsibilities

- Ability to assign, review, plan and coordinate the work of other employees
- Ability to provide instruction to other employees
- Ability to recommend the discipline or discharge of other employees

Mathematical Ability

- Ability to add, subtract, multiply, divide, calculate decimals and percentages and apply the principles of descriptive statistics

Language Ability & Interpersonal Communication

- Ability to comprehend a variety of informational documents including employment applications, résumés, PERS applications, job audit forms, performance evaluations, grievances, transcripts of depositions, incident reports, union contracts, requests for leave and other reports and records
- Ability to comprehend a variety of reference books and manuals including the PERS manual, Americans with Disabilities Act (ADA) handbook, personnel policy manuals and Ohio Revised Code
- Ability to prepare position postings, surveys, grievance reports, performance evaluations, position descriptions, correspondence and other job related documents using prescribed format and conforming to all rules of punctuation, grammar, diction and style
- Ability to manage, supervise and counsel employees, to convince and influence others, to record and deliver information, to explain procedures, to follow instructions
- Ability to use and interpret human resource terminology and language
- Ability to communicate with the County Human Resource Director, directors, managers, supervisors, Human Resource Commission, other County employees, and the general public

Environmental Adaptability

- Work is typically performed in an office environment

Cuyahoga County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective employees and incumbents to discuss potential accommodations with the employer.

CUYAHOGA COUNTY CLASSIFICATION SPECIFICATION

| | | | |
|---------------------|------------------------|----------------------|---------|
| Class Title: | Human Resource Analyst | Class Number: | 1053711 |
| | | Pay Grade: | 9 |

| | |
|---------------------|---------------------------------|
| Departments: | Office of Human Resources, only |
|---------------------|---------------------------------|

Classification Function

The purpose of this classification is to provide comprehensive personnel services for County departments in the area of employment, benefits, personnel policy administration, labor and employee relations and training and development.

Essential Job Functions

The following duties are normal for this classification. These are not to be construed as exclusive or all inclusive. Other duties may be required and assigned

- Provides human resource services for assigned County department in the area of employment and benefits (e.g. - works collaboratively with each department to assist with recruitment for employees including reviewing and screening applications and resumes, contacting references, conducting initial screening interviews and coordinating follow up interviews as needed; prepares personnel requisition forms for vacant positions; contacts recommended applicants with job offer; coordinates completion of employment paperwork by new employee; responds to employment questions from general public and County employees; communicates with staff on employment benefit programs and answers questions as needed)
- Provides analysis, advice and counsel to managers, supervisors and employees regarding work issues, development plans, operational strategies, and human resource policies and procedures and indicate suggestive corrective action to resolve problem areas
- Assists with employee discipline process (e.g. - gathers statements; investigates complaints; conducts pre-disciplinary hearings as assigned by lead worker or manager)
- Provides reports requested by department directors or managers (e.g. - provides staffing level reports; provides Family Medical Leave Act usage reports, etc.)
- Functions as a proficient user of Human Resource Information System (HRIS) (e.g. works proficiently in HRIS (SAP); provides system guidance; may enter non-routine changes)
- Represents departments at meetings; serves as liaison to Ohio Public Employee's Retirement System
- Performs miscellaneous duties (e.g. - processes FMLA paperwork; processes personnel actions in HRIS; prepares AWOL reports using HRIS; updates organizational charts using HRIS)

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in human resources with five years of human resource experience; or any equivalent combination of training and experience

Additional Requirements

PHR Certification is preferred

Minimum Physical and Mental Abilities Required to Perform Essential Job Functions

Physical Requirements

- Ability to operate a variety of automated office machines including personal computer, printer, copier

Mathematical Ability

- Ability to add, subtract, multiply, divide and calculate decimals and percentages

Language Ability & Interpersonal Communication

- Ability to comprehend a variety of informational documents including employment applications, resumes, personnel action forms, classification specifications, position descriptions, grievances, personnel files and other reports and records
- Ability to comprehend a variety of reference books and manuals including software manuals, Ohio Revised Code, and personnel policy manuals
- Ability to prepare personnel actions, tables of organization, performance evaluations, various human resource reports, correspondence and other job related documents using prescribed format and conforming to all rules of punctuation, grammar, diction and style
- Ability to counsel employees, to convince and influence others, to record and deliver information, to explain procedures, to follow instructions
- Ability to use and interpret human resource terminology and language
- Ability to communicate with County employees, Human Resource Director, and the general public

Environmental Adaptability

- Work is typically performed in an office environment

Cuyahoga County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective employees and incumbents to discuss potential accommodations with the employer

CUYAHOGA COUNTY CLASSIFICATION SPECIFICATION

| | | | |
|---------------------|---------------------------------|----------------------|---------|
| Class Title: | Recruitment & Retention Manager | Class Number: | 1053634 |
| FLSA: | Exempt | Pay Grade: | 16 |
| Dept: | Human Resources, only | | |

Classification Function

The purpose of this classification is to manage the County's recruitment and retention program

Essential Job Functions

The following duties are normal for this classification. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned

- Manages the County's recruiting program (e.g. - manages the design, development and implementation of processes required to attract and place employees; works with departments to develop an understanding of their staffing needs; coordinates recruiting and timeline for each vacancy; coordinates job posting; oversees applicant tracking system to identify and track a qualified pool of candidates)
- Manages County's classification and compensation plan (e.g. - develops and manages the implementation of the County's classification and compensation plan; manages administrative rules governing the classification and compensation plan; manages the integration of additional organizations into the County's plan; safeguards the integrity of the job evaluation process; reviews job audit findings and assigns employees to proper classifications; responds to job audit questions and develops job audit finding communication; confers with and reviews departmental reorganization plans; reviews establishment of new positions for appropriate classification; maintains record of final decisions regarding classification of positions and assignment of employees to classifications; coordinates salary surveys and pay structure revisions; manages development and revision of classification specifications; responds to ensures consistency of minimum qualifications among classifications; presents findings and recommendations to the Human Resource Commission; confers on complex work problems)
- Assists the County Human Resource Director in administration of all County human resource services in compliance with Sections 124.01 - 124.64 and Chapter 325 of the Ohio Revised Code (e.g. - assists with enforcement of administrative rules for the purpose of carrying out the functions, powers and duties of the County Human Resource Department; interprets personnel policies and procedures)
- May supervise lower level human resource staff (e.g. - plans, coordinates, assigns and reviews work; evaluates performance; responds to employee problems; maintains work standards; provides instruction and training; recommends selection, transfer, promotion, or discipline of employees; evaluates performance; reviews and approves requests for leave)

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in personnel administration, human resources or related field with ten years of human resource experience including three years in a supervisory capacity; or any equivalent combination of training and experience

Additional Requirements

No special license or certification is required

Minimum Physical and Mental Abilities Required to Perform Essential Job Functions**Physical Requirements**

- Ability to operate a variety of automated office machines including personal computer, printer, copier and fax machine

Supervisory Responsibilities

- Ability to assign, review, plan and coordinate the work of other employees
- Ability to provide instruction to other employees
- Ability to recommend the discipline or discharge of other employees
- Ability to recommend the transfer, promotion or salary increase of other employees

Mathematical Ability

- Ability to add, subtract, multiply, divide, calculate decimals and percentages and apply the principles of descriptive statistics

Language Ability & Interpersonal Communication

- Ability to comprehend a variety of informational documents including employment applications, résumés, classification specifications, job audit forms, performance evaluations, requests for leave and other reports and records
- Ability to comprehend a variety of reference books and manuals including the PERS manual, Americans with Disabilities Act (ADA) handbook, job classification book, personnel policy manuals and Ohio Revised Code
- Ability to prepare position postings, surveys, performance evaluations, job audit reports, classification specifications, position descriptions, correspondence and other job related documents using prescribed format and conforming to all rules of punctuation, grammar, diction and style
- Ability to manage, supervise and counsel employees, to convince and influence others, to record and deliver information, to explain procedures, to follow instructions
- Ability to use and interpret human resource terminology and language
- Ability to communicate with the County Executive, County Human Resource Director, directors, managers, supervisors, Human Resource Commission, Department of Administrative Services, State Personnel Board of Review, other County employees, other elected officials and the general public

Environmental Adaptability

- Work is typically performed in an office environment

Cuyahoga County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective employees and incumbents to discuss potential accommodations with the employer.

EXHIBIT D

CUYAHOGA COUNTY CLASSIFICATION SPECIFICATION

| | | | |
|---------------------|-----------------------|----------------------|---------|
| Class Title: | Training Manager | Class Number: | 1053645 |
| FLSA: | Exempt | Pay Grade: | 14 |
| Dept: | Human Resources, only | | |

Classification Function

The purpose of this classification is to manage, coordinate and implement County training programs and initiatives

Essential Job Functions

The following duties are normal for this classification. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Manages County training programs and initiatives (e.g. develops and coordinates training and educational development programs; coordinates and facilitates training programs such as new employee orientation, sexual harassment, ethics, etc.; develops an annual calendar of training and development opportunities including references to external opportunities; maintains training materials; produces training materials and manuals; organizes the use of training materials including e-learning; manages training materials; ensures that statutory training requirements are met; conducts training needs assignments; amends and revises training programs as needed; helps line managers or solve specific training problems, either one-to-one or in groups; develops and maintains training budget)
- Administers training program activities (e.g. identifies and determines training and development needs; plans and develops training programs to meet those needs; implements training programs; compiles training evaluation results; reviews evaluations with staff and forwards results to supervisor)
- Develops and manages County performance appraisal process
- Manages, leads and motivates lower-level training personnel (e.g. – assigns and reviews work; evaluates employee performance; responds to employee complaints; provides instruction and feedback; trains instructors and supervisors in techniques and skills for training and dealing with employees)
- Performs public relations duties (e.g. represents training department at various meetings and conferences; provides technical assistance and consultation to departments regarding training needs; delivers speeches and prepares correspondence)

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in education or human resources with nine years of training experience including three years in a supervisory capacity; or any equivalent combination of training and experience

Additional Requirements

No special license or certification is required

Minimum Physical and Mental Abilities Required to Perform Essential Job Functions

Physical Requirements

- Ability to operate a variety of automated office machines including personal computer, fax, printer, calculator, copier, etc

- Ability to operate audio-visual equipment

Supervisory Responsibilities

- Ability to assign, review, plan and coordinate the work of other employees
- Ability to provide instruction to other employees
- Ability to evaluate the performance of assigned employees
- Ability to recommend the discipline or discharge of other employees
- Ability to recommend the transfer, promotion or salary increase of other employees

Mathematical Ability

- Ability to add, subtract, multiply, divide and calculate decimals and percentages

Language Ability & Interpersonal Communication

- Ability to comprehend a variety of informational documents including employment applications, résumés, job audit forms, classification specifications training literature, training plans, performance evaluations and other reports and records
- Ability to comprehend a variety of reference books and manuals including policies and procedures, State regulations and training manuals
- Ability to prepare memos, correspondence, training proposals, training needs analysis, training budgets, monthly reports, and other job related documents using prescribed format and conforming to all rules of punctuation, grammar, diction and style
- Ability to manage people and programs, to supervise and counsel employees, to convince and influence others, to record and deliver information, to explain procedures, and to follow instructions
- Ability to use and interpret education, legal, counseling and personnel terminology and language
- Ability to communicate effectively with department supervisors, training personnel, consultants, other County employees, and the general public

Environmental Adaptability

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County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0033

| | |
|---|---|
| Sponsored by: County Executive FitzGerald/Department of Law and Council President Connally | An Ordinance establishing procedures for authorization of settlement of litigation by or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities, and amending Ordinance No. O2011-0030 to harmonize it with the provisions of this Ordinance; and declaring the necessity that this Ordinance become immediately effective. |
|---|---|

WHEREAS, there is currently pending, and will be in the future, various actions, claims, disputes, and lawsuits against and on behalf of Cuyahoga County which necessitate settlement; and,

WHEREAS, the Cuyahoga County Charter vests the County Executive with the authority to execute contracts on behalf of Cuyahoga County pursuant to Article II, Section 2.03, Subsection 6; and,

WHEREAS, pursuant to the Cuyahoga County Charter Article III, Section 9, Subsection 4, the County Council has enacted Ordinance 2011-014, as amended in Ordinance No. O2011-0030, which provides the procedures for making contracts and therein has provided specific monetary thresholds for those contracts that can be executed by the County Executive without Council approval, those that can be executed upon approval of the Board of Control, and those contracts that must first receive Council approval; and,

WHEREAS, Council made the legislative decision in Ordinance 2011-014, as amended in Ordinance O2011-0030, to separately establish the procedures governing the settlement of litigation through a separate ordinance; and,

WHEREAS, in order to ensure the efficient disposition of litigation and to improve the operation of County government, it is necessary to authorize the County Executive to adjust, settle, or compromise any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County within the monetary thresholds established by Council; and,

WHEREAS, for the proper and efficient functioning of the new Cuyahoga County government, it is necessary that this Ordinance become immediately effective in order

that pending and future claims, disputes, demands, and lawsuits may be resolved expeditiously.

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

SECTION 1. The Cuyahoga County Executive is hereby authorized to adjust, settle, or compromise any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County, except as follows:

- a. Settlements resulting in the County's expenditure of an amount in excess of \$50,000.00 for the voluntary acquisition, or taking through the power of eminent domain, of any real estate interest for any purpose other than making or repairing roads, including bridges, shall require prior approval of County Council; and,
- b. Settlements resulting in the County's expenditure of an amount in excess of \$50,000.00 for the voluntary acquisition through the good-faith negotiation process under Ohio Revised Code Chapter 163 prior to the institution of eminent-domain litigation, or taking through the power of eminent domain after institution of litigation, of any real estate interests for the purpose of making or repairing roads, including bridges, shall require prior approval by the Board of Control; and,
- c. Any other settlements than specified in Section 1, subsections (a) and (b) herein resulting in the County's expenditure of an amount in excess of \$100,000.00 shall require prior approval of County Council.

SECTION 2. Ordinance No. O2011-0030 is hereby amended to harmonize it with Section 1(b) of this Ordinance as follows (additions are bolded):

- a. Section 2.10(a)(4) of Ordinance No. O2011-0030 is hereby amended as follows to exclude real-estate transactions for the purpose of making or repairing roads, including bridges, from requiring prior Council approval:

All purchases or sales of real estate or real estate interests **for any purpose other than the making or repairing of roads, including bridges**, for more than \$50,000 and all leases of real estate or real estate interests as lessor or lessee in which the value of the purchase, sale, or lease is more than \$50,000.

- b. Ordinance No. O2011-0030 is hereby amended as follows to add Section 2.11(f) to authorize the Board of Control to approve real-estate transactions above \$50,000.00 for the purpose of making or repairing roads:

All purchases, including, the acquisition through settlement of eminent-domain litigation, of any real estate interests for the purpose of making or repairing roads, including bridges, in excess of \$50,000.00.

SECTION 3. The County Executive is hereby authorized to execute all settlement agreements, releases, conveyance documents, and any other documents necessary to effectuate the adjustment, settlement, or compromise of any action, cause of action, account, debt, claim, demand, dispute, grievance, arbitration, lawsuit, or any other matter in favor of or against the County or any of its officers, employees, departments, offices, agencies, boards, commissions, or other authorities of the County authorized in accordance with this Ordinance.

SECTION 4. The Fiscal Officer is hereby authorized and directed to pay the amount of any settlement or compromise authorized in accordance with this Ordinance.

SECTION 5. Provided that this Ordinance receives the affirmative vote of eight members of Council, it shall become immediately effective upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that pending and future claims, disputes, demands and lawsuits may be resolved expeditiously.

SECTION 6. 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: July 26, 2011
Committee(s) Assigned: Justice Affairs

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