



**AGENDA**  
**CUYAHOGA COUNTY COUNCIL REGULAR MEETING**  
**TUESDAY, AUGUST 23, 2011**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> 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) August 9, 2011 Meeting
- 7. MESSAGES FROM THE COUNTY EXECUTIVE**
  - a) Contracts executed by County Executive
- 8. CONSIDERATION OF A MOTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**
  - a) M2011-0043: 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.
    - 1) Berj Shakarian
    - 2) Jerry Young

- 3) William Doyle
- 4) Jon Silvis

Sponsor: Council President Connally

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

- 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

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**10. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

- a) R2011-0262: A Resolution recognizing the creation of the "Courthouse Centennial Committee" and supporting the Committee's plans to seek grants and other funding to conduct a year long series of events commemorating the 100<sup>th</sup> birthday of the Lakeside Courthouse in 2012, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally and County Executive FitzGerald

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

- a) O2011-0041: An Ordinance authorizing, enacting and designating an additional five percent of all collections of delinquent real property, personal property, and manufactured and mobile home taxes and assessments to be deposited in the delinquent tax and assessment collection fund for the use of and appropriating such amount to the use of the Cuyahoga County Land Reutilization Corporation, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Brady, Miller, Connally and Jones

- b) O2011-0042: An Ordinance providing for adoption of a policy granting health benefits to domestic partners of County employees, and declaring the necessity that this Ordinance become immediately effective

Sponsor: Councilmember Simon

## **12. COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES OF COUNCIL FOR SECOND READING**

- a) O2011-0013: An Ordinance providing for adoption of an Open Meetings Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Miller, Greenspan and Brady

Committee Assignment and Chair: Rules, Charter Review, Ethics & Council Operations – Greenspan

- b) O2011-0036: An Ordinance establishing the procedure for adopting a Biennial Operating Budget and Capital Improvements Plan with an annual update, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Miller, Schron, Conwell, Brady, Gallagher, Germana, Greenspan, Rogers, Jones, Simon and Connally

Committee Assignment and Chair: Finance & Budgeting – Miller

## **13. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING AND REFERRAL TO COMMITTEE**

- a) 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. (Pending Committee recommendation.)

Sponsors: Councilmembers Schron and Miller and County Executive FitzGerald

Committee Assignment and Chair: Economic Development & Planning – Schron

#### **14. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

- a) R2011-0263: 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

#### **15. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE**

- a) R2011-0264: A Resolution amending Resolution No. R2011-0234 dated 7/26/2011, which authorized 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, by changing the time period from 6/1/2011 - 5/31/2012 to 9/1/2011 - 8/31/2013; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

- b) R2011-0265: A Resolution authorizing a Neighborhood Stabilization Program III loan in the amount not-to-exceed \$637,884.00 to Puritas Avenue Associates Limited Partnership for the Hawk's Landing Project, located at 14610 Puritas Avenue, Cleveland; authorizing the Department of Development Deputy Chief or Director to execute all documents required in connection with said loan on behalf of the County Executive; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

- c) R2011-0266: A Resolution authorizing the County Executive to enter into an amendment to Agreement No. AG0900007-01 with City of Cleveland for an Automated Fingerprint Identification System and Mobile Data Needs Assessment for Ohio Homeland Security Region 2 in connection with the FY2007 Law Enforcement Terrorism Prevention Program for the period 7/1/2007 - 3/1/2010 to extend the time period to 12/30/2010 and for additional funds in the amount of \$730,408.94, and declaring the necessity that this Resolution become immediately effective.



Sponsor: County Executive FitzGerald/Department of Justice Affairs

- d) R2011-0267: A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland in the amount not-to-exceed \$630,558.75 for reimbursement of eligible expenses in connection with the FY2009 State Homeland Security Program-Law Enforcement for the period 8/1/2009 - 4/30/2012.

Sponsor: County Executive FitzGerald/Department of Justice Affairs

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

- a) R2011-0247: A Resolution declaring that public convenience and welfare requires repair and resurfacing of Madison Avenue from Riverside Drive to West 117<sup>th</sup> 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.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer and Councilmember Miller

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

- 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

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

- 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.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer and Councilmember Schron

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

- 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.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer and Councilmember Schron

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

- 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

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

- 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

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

- 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.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer and Councilmember Germana

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

- 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

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

- 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

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

- 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 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 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. (Pending Committee recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

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

Committee Assignment and Chair: Economic Development & Planning  
– Schron

- 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. (Pending Committee recommendation.)

Sponsors: County Executive FitzGerald/Department of Development and Councilmember Rogers

Bond Counsel: Roetzel & Andress LPA

Committee Assignment and Chair: Economic Development & Planning  
– Schron

- 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. (Pending Committee recommendation.)

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

Committee Assignment and Chair: Economic Development & Planning  
– Schron

**17. CONSIDERATION OF AN ORDINANCE FOR FIRST READING AND REFERRAL TO COMMITTEE**

- a) O2011-0043: An Ordinance providing for adoption of the Cuyahoga County Civil Service Pay Equity Plan, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Human Resource Commission

**18. COMMITTEE REPORT AND CONSIDERATION OF ORDINANCES FOR SECOND READING**

- a) 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.

Sponsors: County Executive FitzGerald/Human Resource Commission

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

- b) O2011-0038: An Ordinance providing for 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

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**19. MISCELLANEOUS COMMITTEE REPORTS**

**20. MISCELLANEOUS BUSINESS**

**21. PUBLIC COMMENT UNRELATED TO AGENDA**

**22. ADJOURNMENT**

NEXT MEETINGS

SPECIAL MEETING:

MONDAY, AUGUST 29, 2011  
4:00 PM / COUNCIL CHAMBERS

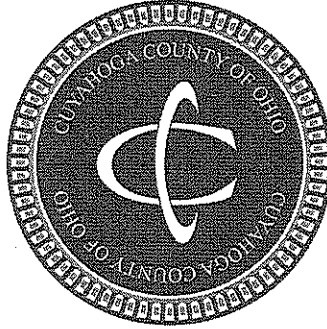
WORK SESSION:

TUESDAY, SEPTEMBER 13, 2011  
4:00 PM / COUNCIL CHAMBERS

REGULAR MEETING:

TUESDAY, SEPTEMBER 13, 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, AUGUST 9, 2011**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**6:00 PM**

**1. CALL TO ORDER**

**The meeting was called to order by Council President Connally at 6:00 p.m.**

**2. ROLL CALL**

**Council President Connally asked the Deputy Clerk to call the roll. Councilmembers Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones 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 Judge Salvatore Calandra of the Cleveland Municipal Court, who recently passed away. Council President Connally then called on Mr. Schron who asked that a moment of silent meditation be dedicated in honor of Marine Sgt. Dennis Kancler of Brecksville, who recently passed away while serving in Afghanistan.**

**Council President Connally then introduced Ms. Eugenia Cash, County Government Liaison from the Cleveland Metropolitan School District, who briefly addressed Council.**

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

a) July 26, 2011 Meeting

A motion was made by Mr. Greenspan, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the July 26, 2011 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) Discussions are taking place regarding education initiatives;
- b) Plans to promote health and wellness programs are being developed for not only County employees, but also as a matter of public policy. The smoke free workplace policy will be more strictly enforced and smoking cessation programs are being offered to County employees;
- c) A consultant has been selected to assess County-owned and leased properties. A report will be prepared with the consultant's findings by the end of the year;
- d) Issues regarding healthcare delivery options to employees are being addressed. The County's consultant is working to find solutions to deliver services in a more cost-efficient manner.

8. CONSIDERATION OF A MOTION 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 Motion No. M2011-0042.

- 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



**On a motion by Mr. Rogers with a second by Mr. Schron, Motion No. M2011-0042 was considered and approved by unanimous vote.**

**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

**Council President Connally referred Motion No. M2011-0041 to the Human Resources, Appointments & Equity Committee.**

**10. 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. O2011-0040.**

- 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

**On a motion by Mr. Greenspan with a second by Mr. Schron, Ordinance No. O2011-0040 was considered and adopted by unanimous vote.**

**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 Brady, Gallagher, Germana, Greenspan, Rogers, Jones, Simon and Connally**

**Council President Connally referred Ordinance No. O2011-0036 to the Finance & Budgeting Committee.**

- 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.

Sponsors: Councilmembers Schron and Miller and County Executive FitzGerald

**Council President Connally referred Ordinance No. O2011-0039 to the Economic Development & Planning Committee.**

**12. 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. R2011-0243, R2011-0244 and R2011-0245.**

- 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

**On a motion by Mr. Miller with a second by Ms. Simon, Resolution No. R2011-0243 was considered and adopted by unanimous vote.**

- 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

**On a motion by Mr. Greenspan with a second by Mr. Germana, Resolution No. R2011-0244 was considered and adopted by unanimous vote.**

- 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.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Cuyahoga Support Enforcement Agency and Councilmembers Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones and Connally

**A motion was made by Ms. Connally, seconded by Mr. Miller and approved by unanimous vote to amend Resolution No. R2011-0245 to add language to make the Resolution immediately effective.**

**On a motion by Ms. Simon with a second by Mr. Rogers, Resolution No. R2011-0245 was considered and adopted by unanimous vote.**

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

**A motion was made by Ms. Simon, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2011-0246.**

- 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

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0246 was considered and adopted by unanimous vote.

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 117<sup>th</sup> 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.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer and Councilmember Miller

**Council President Connally referred Resolution No. R2011-0247 to the Public Works, Procurement & Contracting Committee.**

- 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

**Council President Connally referred Resolution No. R2011-0248 to the Public Works, Procurement & Contracting Committee.**

- 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.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer and Councilmember Schron

**Council President Connally referred Resolution No. R2011-0249 to the Public Works, Procurement & Contracting Committee.**

- 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.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer and Councilmember Schron

**Council President Connally referred Resolution No. R2011-0250 to the Public Works, Procurement & Contracting Committee.**

- 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

**Council President Connally referred Resolution No. R2011-0251 to the Public Works, Procurement & Contracting Committee.**

- 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

**Council President Connally referred Resolution No. R2011-0252 to the Public Works, Procurement & Contracting Committee.**

- 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.

Sponsors: County Executive FitzGerald/Department of Public Works/  
County Engineer and Councilmember Germana

**Council President Connally referred Resolution No. R2011-0253 to the Public Works, Procurement & Contracting Committee.**

- 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

**Council President Connally referred Resolution No. R2011-0254 to the Public Works, Procurement & Contracting Committee.**

- 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

**Council President Connally referred Resolution No. R2011-0255 to the Public Works, Procurement & Contracting Committee.**

- 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.

**Council President Connally referred Resolution No. R2011-0256 to the Economic Development & Planning Committee.**

- 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.

Sponsors: County Executive FitzGerald/Department of Development and Councilmember Rogers

Bond Counsel: Roetzel & Andress LPA

**Council President Connally referred Resolution No. R2011-0257 to the Economic Development & Planning Committee.**

- 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

**Council President Connally referred Resolution No. R2011-0258 to the Economic Development & Planning Committee.**

- 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.

Sponsors: County Executive FitzGerald/Department of Health and Human Services and Councilmembers Conwell, Jones and Miller

**Council President Connally referred Resolution No. R2011-0259 to the Health, Human Services & Aging Committee.**

- 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



**Council President Connally referred Resolution No. R2011-0260 to the Health, Human Services & Aging Committee.**

- 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

**Council President Connally referred Resolution No. R2011-0261 to the Health, Human Services & Aging Committee.**

**15. 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. R2011-0238, R2011-0239, R2011-0240, R2011-0241 and R2011-0242.**

- 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.

Sponsors: County Executive FitzGerald/Department of Development and Councilmember Rogers

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

**On a motion by Mr. Rogers with a second by Ms. Simon, Resolution No. R2011-0238 was considered and adopted by unanimous vote.**

- 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:

- 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.

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

**Committee Assignment and Chair: Economic Development & Planning  
– Schron**

**On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2011-0239 was considered and adopted by unanimous vote.**

- 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:

- 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 and Councilmembers Germana, Greenspan, Connally, Jones and Gallagher

Committee Assignment and Chair: Economic Development & Planning  
– Schron

**On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2011-0240 was considered and adopted by unanimous vote.**

- 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.

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland/Cuyahoga County Workforce Investment Board and Councilmembers Brady, Jones, Miller, Connally and Conwell

Committee Assignment and Chair: Economic Development & Planning  
– Schron

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0241 was considered and adopted by unanimous vote.**

- 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 **and Councilmembers Jones, Brady, Miller and Connally**

Committee Assignment and Chair: Economic Development & Planning  
– Schron

**On a motion by Mr. Schron with a second by Mr. Greenspan, Resolution No. R2011-0242 was considered and adopted by unanimous vote.**

#### 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

**Council President Connally referred Ordinance No. O2011-0037 to the Justice Affairs Committee and to the Public Safety Committee.**

- 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

**Council President Connally referred Ordinance No. O2011-0038 to the Human Resources, Appointments & Equity Committee.**

17. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE 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 No. O2011-0033.

- 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, Council President Connally and Councilmembers Simon and Miller

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Ms. Conwell, Ordinance No. O2011-0033 was considered and adopted by unanimous vote.

18. MISCELLANEOUS COMMITTEE REPORTS

Mr. Miller reported that there will be a Finance & Budgeting Committee meeting on Monday, August 15, 2011 at 1:00 p.m.

Mr. Schron reported that there will be an Economic Development & Planning Committee meeting on Monday, August 22, 2011 at 3:00 p.m.

Mr. Germana reported that he will be hosting a forum with the Northeast Ohio City Council Association on Thursday, September 15, 2011 at 7:00 p.m. in Council Chambers to discuss the County's sexennial reappraisal process.

Mr. Rogers reported that the Environment & Sustainability Committee met jointly with the Justice Affairs Committee to discuss the issue of flash mobs. More information can be found on the County Council website.

Mr. Jones reported that there will be a Public Works, Procurement & Contracting Committee meeting on Thursday, August 11, 2011 at 11:00 a.m.

19. MISCELLANEOUS BUSINESS

Council President Connally stated that she will be working with Mr. Gallagher to help promote usage of the County Fairgrounds.

**Mr. Germana stated that he attended the Parma City Council Work Session where the issue of recent flooding was addressed. He also thanked staff from the County Department of Public Works who were in attendance.**

**County Executive FitzGerald reported that former State Representative Rocco Colonna recently passed away. His funeral will be held sometime this week.**

**20. PUBLIC COMMENT UNRELATED TO AGENDA**

**No public comments were given.**

**21. ADJOURNMENT**

**With no further business to discuss and on a motion by Mr. Greenspan with a second by Mr. Germana, the meeting was adjourned at 7:23 p.m., without objection.**



**EDWARD FITZGERALD**  
Cuyahoga County Executive

August 9, 2011

C. Ellen Connally  
Council President  
County Administration Building  
1219 Ontario Ave  
Cleveland, Ohio 44113

Madame President Connally,

The attached document lists the items that I have approved and signed in July 2011. This list includes: the contracts, purchases or sales executed; all grants or loans made or received for more than \$50,000; and the change orders and amendments in which the total additions exceeds \$50,000.

Please contact David Merriman at (216) 263-4606 if you would like additional information on any of these contracts or items.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edward FitzGerald', is written over a faint, larger version of the signature.

Edward FitzGerald  
County Executive

Items approved in the past month:

Requestor	Summary
Common Pleas Court/Corrections Planning Board	Submitting a contract with Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount not-to-exceed \$86,000.00 for the Mental Health Program for the period 7/1/2011 - 6/30/2012.
Common Pleas Court/Corrections Planning Board	Submitting a contract with Cleveland Municipal Court in the amount not-to-exceed \$218,360.00 for the Domestic Intervention, Education and Training Program for the period 7/1/2011 - 6/30/2012.
Common Pleas Court/Corrections Planning Board	Submitting a revenue generating agreement with Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount not-to-exceed \$308,254.00 for various treatments services for various programs for the period 7/1/2011 - 6/30/2012.
County Planning Commission	Submitting a grant agreement with U.S. Department of the Army in the amount of \$1,250,000.00 for design and construction of Green Bulkheads in connection with the Cuyahoga River Environmental Restoration Project for the period 8/1/2011 - 12/31/2014; requesting authority to serve as fiscal agent.
County Sheriff	Submitting a Cost Savings Agreement with International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, United Auto Workers Region 2-B, Local 70, covering 10 employees in the classification of Court Security Officer for the period 7/12/2011 - 12/31/2011.
County Sheriff	Submitting a Cost Savings Agreement with Communications Workers of America, Local 4340, covering 66 employees in 8 classifications for the period 7/12/2011 - 12/31/2011.
County Sheriff	Submitting a Cost Savings Agreement with Ohio Patrolmen's Benevolent Association, covering 4 employees in the classification of Deputy Sheriff Lieutenant for the period 7/12/2011 - 12/31/2011.
County Sheriff	Submitting a Cost Savings Agreement with United Auto Workers Region 2-B, covering 19 employees in the classification of Registered Nurse for the period 7/12/2011 - 12/31/2011.
County Sheriff	Submitting a grant agreement in the amount of \$200,000.00 from Ohio Department of Rehabilitation and Correction, Bureau of Community Sanctions for the Cuyahoga County Jail Pilot Project for the FY2012 Community Correction Act Grant Program for the period 7/1/2011 - 6/30/2012.
County Sheriff	Requesting approval to apply for and accept grant funds from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for the FY2011 State Criminal Alien Assistance Program for the period 7/1/2009 - 6/30/2010.
County Sheriff	Submitting a contract with West Publishing Corporation; dba WEST A Thomson Reuters business, sole source, in the amount not-to-exceed \$17,222.98 for electronic legal research services for the period 7/15/2011 - 7/31/2013.



Department of Development	Submitting an amendment to Agreement No. AG1100047-01 with Village of Oakwood for reimbursement of expenses for demolition of a blighted structure, located at 7269 Wright Avenue, Village of Oakwood, in connection with the Neighborhood Stabilization Grant Program; no additional funds required: a) to add the time period 4/1/2011 - 4/30/2011. b) to extend the time period to 4/30/2012.
Department of Development	Submitting an amendment to a grant agreement with State of Ohio, Department of Development/Office of Housing and Community Partnerships in the amount of \$1,689,600.00 for the Homelessness Prevention and Rapid Re-Housing Program for the period 9/10/2009 - 8/31/2012, to make budget line item revisions; no additional funds required.
Department of Development	Submitting an agreement with City of Shaker Heights in the amount not-to-exceed \$10,100.00 for reimbursement of expenses for demolition of a blighted structure, located at 3738 Hildana Road, Shaker Heights, in connection with the Neighborhood Stabilization Grant Program for the period 5/1/2011 - 4/30/2012.
Department of Development	Submitting an agreement with Village of Linndale in the amount not-to-exceed \$15,000.00 for reimbursement of expenses for demolition of a blighted structure, located at 11915 Avenue of Peace, Village of Linndale, in connection with the Neighborhood Stabilization Grant Program for the period 7/19/2011 - 7/18/2012.
Department of Development	Submitting a contract with BDL General Contracting, Inc. in the amount of \$8,000.00 for Lead Remediation for property located at 5807 Snow Rd., Parma, in connection with the FY2010 Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Grant Program for the period 7/12/2011 - 8/31/2011.
Department of Development	Recommending a loan in the amount not-to-exceed \$100,000.00 to Best Home Health Care, Inc. for a North Coast Opportunities Technology Fund Project, located at 1736 Saint Clair Avenue, Cleveland; requesting authority for the Director to execute all documents required in connection with said loan.

Department of Development	<p>Recommending awards to various municipalities for various projects for the FY2011 Parks and Playgrounds Grant Program for the period 7/1/2011 - 6/30/2012:</p> <p>a) City of Bedford for the Palmetto Tot Lot Renovation and Central School Community Garden Project in the amount of \$39,735.00.</p> <p>b) City of Bedford Heights for the Bedford Heights Park Improvements and Community Garden Project in the amount of \$40,000.00</p> <p>c) City of Berea for the Polish Village Playground Project and St. Thomas Public Urban Garden Project in the amount of \$40,000.00.</p> <p>d) City of Brook Park for the Basketball Courts Renovation Project in the amount of \$35,000.00.</p> <p>e) City of Garfield Heights for the Garfield Heights Playground Upgrades and Community Gardens Project in the amount of \$24,141.00.</p> <p>f) Village of Glenwillow for the Donald Payne Baseball Field Improvements Project in the amount of \$35,000.00.</p> <p>g) Olmsted Township for the Early Childhood Center Playground Project in the amount of \$35,000.00.</p> <p>h) City of Parma Heights for the Citywide Recreation and Community Garden in the amount of \$40,000.00.</p>
Department of Development	<p>Requesting authority to establish the Storefront Renovation Rebate Program in the amount not-to-exceed \$300,000.00 for the period 8/1/2011 - 12/31/2011, effective 8/1/2011.</p>
Department of Development	<p>Requesting authority to seek qualifications from various providers on RQ20586 for brownfield environmental consultant services for the Brownfield Redevelopment Fund and Community Assessment Initiative for the period 10/1/2011 - 9/30/2014.</p>
Department of Development	<p>Submitting an amendment to Contract No. CE1000470-01 with City of Parma Heights for acquisition of property located at 6338 Pearl Road for the Community Development Block Grant Program for the period 5/1/2010 - 10/31/2011 to extend the time period to 5/31/2012; no additional funds required.</p>
Department of Development	<p>Submitting an amendment to Contract No. CE1000473-01 with City of Shaker Heights for the Winslow Road Historic District Street Improvement Project for the Community Development Block Grant Program for the period 5/1/2010 - 10/31/2011 to make budget line item revisions; no additional funds required.</p>
Department of Development	<p>Submitting an amendment to Contract No. CE1000404-01 with HzW Environmental Consultants, LLC, for a brownfield environmental site assessment of various properties located between 6620-6710 Euclid Avenue, 2046-2068 East 69th Street and 6615-6709 Carnegie Avenue, Cleveland, for the period 4/12/2010 - 7/31/2011 to extend the time period to 9/30/2011; no additional funds required.</p>
Department of Development	<p>Submitting a contract with BDL General Contracting, Inc. in the amount of \$6,480.00 for Lead Remediation of property located at 1170 South Green Road, South Euclid, in connection with the FY2010 Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Grant Program for the period 8/3/2011 -9/30/2011.</p>

Department of Development	Submitting a contract with C.B. Mullins Construction Company, Inc. in the amount of \$4,465.00 for Lead Remediation of property located at 10009 Plymouth Avenue, Garfield Heights, in connection with the FY2010 Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Grant Program for the period 8/3/2011 - 9/30/2011.
Department of Development	Submitting a contract with C.B. Mullins Construction Company, Inc. in the amount of \$8,000.00 for Lead Remediation of property located at 284 East 210 <sup>th</sup> Street, Euclid, in connection with the FY2010 Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Grant Program for the period 8/3/2011 - 9/30/2011.
Department of Development	Submitting a contract with MAE Construction LLC in the amount of \$7,750.00 for Lead Remediation of property located at 5900 Lotusdale Drive, Parma Heights, in connection with the FY2010 Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Grant Program for the period 8/3/2011 - 9/30/2011.
Department of Development	Submitting a contract with MAE Construction LLC in the amount of \$5,775.00 for Lead Remediation of property located at 6040 Mercer Drive, Brookpark, in connection with the FY2010 Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Grant Program for the period 8/3/2011 - 9/30/2011.
Department of Development	Submitting a contract with MAE Construction LLC in the amount not-to-exceed \$8,000.00 for Lead Remediation of property located at 4299 West 215th Street, Fairview Park, in connection with the FY2010 Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Grant Program for the period 7/26/2011 - 8/31/2011.
Department of Development	Submitting a contract with MAE Construction LLC in the amount of \$6,070.00 for Lead Remediation of property located at 21861 Roberts Ave, Euclid, in connection with the FY2010 Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Grant Program for the period 8/3/2011 - 9/30/2011.
Department of Development	Submitting a contract with MAE Construction LLC in the amount not-to-exceed \$5,670.00 for Lead Remediation of property located at 13025 McCracken Road, Garfield Heights, in connection with the FY2010 Lead-Based Paint Hazard Control and Lead Hazard Reduction Demonstration Grant Program for the period 8/3/2011 -9/30/2011.
Department of Health & Human Services	Requesting approval to apply for and accept grant funds from Department of Health & Human Services/Administration for Children and Family Services/Office of Family Assistance for the Pathways to Responsible Fatherhood grant program the period 9/29/2011- 9/28/2012.
Department of Health & Human Services	Submitting a contract with McLemore Consulting Associates, Inc. in the amount not-to-exceed \$18,000.00 for consultant services for implementation of transition recommendations and facilitation of organizational changes for the period 7/1/2011 - 3/31/2012.
Department of Health and Human Services	Cuyahoga Support Enforcement Agency, submitting an agreement with Cuyahoga Automated Data Processing Board in the amount not-to-exceed \$120,000.00 for data processing services for the period 7/1/2011 - 6/30/2012.

Department of Health and Human Services	Employment & Family Services, submitting a contract with Outlier Technologies, Inc., sole source, in the amount not-to-exceed \$22,800.00 for maintenance on SansWrite Form Development and Inspection Software Enterprise Edition for the period 7/1/2011 - 6/30/2012.
Department of Health and Human Services	Employment & Family Services, recommending an award on RQ19740 to Enterprise Community Partners, Inc. in the amount of \$250,000.00 for Earned Income Tax Credit, Child and Dependent Care Tax Credit Program services and tax preparation assistance to low and moderate income families for the period 7/1/2011 - 6/30/2012. (Resolution No. EA2011-0242 - authority to seek proposals.)
Department of Health and Human Services	Submitting a contract with Wyndham Cleveland at Playhouse Square in the amount not-to-exceed \$10,000.00 for rental of meeting space and related services for the Fatherhood Conference for the period 6/15/2011 - 9/15/2011.
Department of Health and Human Services	Requesting approval to apply for and accept grant funds from U.S. Department of Health & Human Services/Administration for Children, Youth and Families in the amount of \$500,000.00 for Improving Service Delivery to Youth in the Child Welfare System program.
Department of Health and Human Services	Requesting approval to apply for and accept grant funds from U.S. Department of Health and Human Services/Administration for Children and Families/ Office of Family Assistance in the amount not-to-exceed \$2,500,000.00 for the Community Centered Healthy Marriage and Relationship Grant for the Health Marriage Demonstration Project for the period 9/30/2011 - 9/29/2012.
Department of Health and Human Services	Office of Early Childhood, submitting an amendment to a subsidy agreement with Ohio Department of Health for the Help Me Grow Program for the period 7/1/2010 - 6/30/2011 to extend the time period 6/30/2012; no additional funds required.
Department of Health and Human Services	Department of Children & Family Services, requesting approval to apply for and accept grant funds from U.S. Department of Health & Human Services/Administration for Children and Families in the amount of \$640,000.000 for the Integrating Trauma-Informed and Trauma-Focused Practice in Child Protective Service Delivery.
Department of Health and Human Services	Family & Children First Council, requesting approval to apply and accept grant funds from Ohio Department of Health/Division of Family and Community Health Services/Bureau of Early Intervention Services in the amount of \$2,375,034.00 for the Help Me Grow Program for the period 7/1/2011 - 6/30/2012.
Department of Health and Human Services	Office of Early Childhood, submitting an amendment to Contract No. CE0800734-01, 02, 04 with Educational Service Center of Cuyahoga County for fiscal and administrative services for the Help Me Grow Program for the Invest in Children Program for the period 7/1/2008 - 6/30/2011 to extend the time period to 6/30/2012; no additional funds required.
Department of Health and Human Services	Office of Early Childhood, requesting approval to apply for and accept grant funds from The Mt. Sinai Health Care Foundation in the amount of \$300,000.00 for The Newborn Home Visiting and County At-Risk Home Visiting Programs for the period 8/1/2011 -7/31/2012.

Department of Public Works	Submitting specifications and estimate of cost; requesting authority for the Director of Office of Procurement & Diversity to advertise for bids: a) on RQ20792 for rehabilitation of Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland for an estimated cost in the amount not-to-exceed \$34,568,432.75.
Department of Public Works	Submitting specifications and estimate of cost; requesting authority for the Director of the Office of Procurement & Diversity to advertise for bids: a) on RQ20770 for resurfacing of Harvard Road from Green Road to Camp Forbes in the Village of Highland Hills for an estimated cost in the amount not-to-exceed \$497,175.00.
Department of Public Works	Recommending payment of a claim from the County's Self-Insurance Fund in the amount of \$1,054.62 to J. Doss for vehicle damage.
Department of Public Works	Recommending payment of a claim from the County's Self-Insurance Fund in the amount of \$1,000.00 to Koeth, Rice & Leo Co. LPA, for property damage.
Department of Public Works	Recommending payment of a claim from the County's Self-Insurance Fund in the amount of \$250.00 to C. LoBello for vehicle damage.
Department of Public Works	Submitting a contract with KS Associates, Inc. in the amount-to-exceed \$99,984.00 for engineering services in connection with local bridge replacement and rehabilitation of various bridges: 1) Cedar Point Road Bridge over the Rocky River in the City of North Olmsted. 2) Hilliard Road Bridge over the Rocky River in the City of Lakewood. 3) Miles Road Bridge over the Chagrin River in the Village of Bentleyville. 4) Monticello Road Bridge over the West Branch of Euclid Creek in the City of South Euclid.
Department of Public Works	Recommending to amend Executive Approval No. EA2011-0117 dated 2/15/2011 which approved a revenue generating award on RQ18919 to 9209 Quincy, Inc. for cafe food services operation in connection with the Cuyahoga County Juvenile Justice Center Project, by changing the time period from 2/15/2011 - 2/14/2013 to 8/15/2011 - 8/14/2013.
Department of Public Works	Submitting an amendment (Change Order No. 4) to Contract No. CE1000410-01 with The R.J. Platten Contracting Co. for construction of the Quincy Parking Lot in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance amount \$462,004.28 to \$488,404.28 and for additional funds in the amount not-to-exceed \$26,400.00.
Department of Public Works	Recommending payment of a claim from the County's Self-Insurance Fund in the amount of \$500.00 to S. Elkins for property damage.
Department of Public Works	Submitting an amendment to Contract No. CE0900580-01 with Quality Control Inspection, Inc. for construction inspection services for the period 8/1/2009 - 7/31/2011 to extend the time period to 12/31/2011; no additional funds required.

Department of Public Works	Submitting an amendment to Contract No. CE0900581-01 with Resource International, Inc. for construction material testing services for the period 8/1/2009 - 7/31/2011 to extend the time period to 12/31/2011; no additional funds required.
Department of Public Works	Submitting the final amendment (Change Order No. 1) to Contract No. CE0900785-01 with Fox Fire Protection, Inc. for fire protection for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10; no additional funds required.
Department of Public Works	Submitting the final amendment (Change Order No. 2) to Contract No. CE0701040-01 with Forest City Erectors, Inc. for structural steel and construction services in connection with the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10; to decrease the Unforeseen Conditions Cash Allowance amount from \$1,450,000.00 to \$1,427,451.10 for a decrease in the amount of (\$22,548.90).
Department of Public Works	Submitting the final amendment (Change Order No. 2) to Contract No. CE0800333-01 with Lake Erie Electric, Inc. for electric/security for main building packages for the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10 to decrease the Unforeseen Conditions Cash Allowance amount from \$1,553,000.00 to \$1,548,384.86 for a decrease in the amount of (\$4,615.14).
Department of Public Works	Submitting the final amendment (Change Order No. 1) to Contract No. CE0800335-01 with Commercial Appliance Contracts, Inc. for kitchen equipment for main building packages for the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10; to decrease the Unforeseen Conditions Cash Allowance amount from \$56,000.00 to \$0.00 for a decrease in the amount of (\$56,000.00).
Department of Public Works	Submitting the final amendment (Change Order No. 2) to Contract No. CE0800336-01 with The Smith & Oby Company for heating, ventilation and air conditioning for main building packages for the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10; no additional funds required.
Department of Public Works	Submitting the final amendment (Change Order No. 2) to Contract No. CE0800361-01 with Foti Contracting, LLC, for masonry for main building packages for the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10; to decrease the Unforeseen conditions Cash Allowance amount from \$1,563,000.00 to \$1,359,330.66 for a decrease in the amount of (\$203,669.34).

Department of Public Works	Submitting the final amendment to (Change Order No. 3) to Contract No. CE0800389-02 with E.B. Katz, Inc. for plumbing for main building packages for the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10; to decrease the Unforeseen Conditions Cash Allowance from \$450,000.00 to \$449,666.75 for a decrease in the amount of (\$333.25).
Department of Public Works	Submitting the final amendment (Change Order No. 2) to Contract No. CE0800397-02 with Precision Engineering & Contracting, Inc. for a staff parking lot for main building packages for the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10; to decrease Unforeseen Conditions Cash Allowance amount from \$90,000.00 to \$85,317.75 for a decrease in the amount of (\$4,682.25).
Department of Public Works	Submitting the final amendment (Change Order No. 2) to Contract No. CE0800422-01 with Panzica Construction Company for general trades for main building packages for the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10; no additional funds required.
Department of Public Works	Submitting the final amendment (Change Order No. 3) to Contract No. CE0800424-02 with Precision Engineering & Contracting, Inc. for site development for main building packages for the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10; to decrease the Unforeseen conditions Cash Allowance amount from \$240,000.00 to \$235,792.91 for a decrease in the amount of (\$4,207.09).
Department of Public Works	Submitting the final amendment (Change Order No. 2) to Contract No. CE0800438-01 with Fox Fire Protection, Inc. for fire suppression for main building packages for the Cuyahoga County Juvenile Justice Center Project to affirm approval of executed Construction Change Directives within the original cash allowance, in accordance with contract clause 11.2.10 to decrease the Unforeseen conditions Cash allowance amount from \$213,000.00 to \$212,869.95 for a decrease in the amount of (\$130.05).
Department of Public Works	On behalf of the Cuyahoga County Community Based Correctional Facility Governing Board, submitting an amendment (Change Order No. 2) to Contract No. CE0900800-01 with Infinity Construction Co., Inc. for construction services for general trades for the Cuyahoga County Community Based Correctional Facility Project for additional funds in the amount of \$117,528.70.

Department of Public Works	Submitting specifications and estimate of cost; requesting authority for the Director of the Office of Procurement & Diversity to advertise for bids: a) on RQ20917 for the Roof Replacement Project on the Cuyahoga County Airport Administration Building, located at 26300 Curtiss Wright Parkway, Richmond Heights, for an estimated cost in the amount not-to-exceed \$136,500.00.
Department of Public Works	Requesting authority to seek proposals from various providers on RQ20139 for lease of space for the West Regional Probation Office for use by Juvenile Court for the period 4/1/2012 - 3/31/2017; requesting authority for the Director of the Office of Procurement & Diversity to advertise for proposals.
Department of Public Works	Requesting authority to seek pre-proposals from various providers on RQ20944 for consultant services for an Olmsted Township Storm Water Drainage Study; requesting authority for the Director of the Office of Procurement & Diversity to advertise for proposals
Department of Public Works	Requesting authority to seek qualifications from various consultant engineering firms for right-of-way acquisition services in connection with the improvement of Pleasant Valley/Bagley Road from Pearl Road to York Road in the Cities of Middleburg Heights and Parma; requesting authority for the Director of the Office of Procurement & Diversity to advertise for qualifications.
Department of Public Works	Submitting an amendment to a revenue generating agreement with Court Community Service for lease of office space located at 1276 West Third Street, Cleveland, by changing the time period from 6/1/2008 - 8/31/2013 to 6/1/2008 - 9/30/2011.
Department of Public Works	Submitting an agreement with Basketball Assist Corporation for lease of property located on the West bank of the Flats, Cleveland, for a Charity Festival for the period 8/9/2011 - 8/10/2011.
Department of Public Works	Submitting agreements with various organizations for lease of property located on the West bank of the Flats, Cleveland, for Charity Festivals: 1) North Royalton Bears Hockey Association for the period 8/2/2011 - 8/3/2011. 2) The Hiram House for the period 8/16/2011 - 8/17/2011. 3) Professional Flair, Inc. dba The Dancing Wheels Company & School for the period 8/23/2011 - 8/24/2011. 4) Cleveland Rowing Foundation for the period 8/30/2011 - 8/31/2011. 5) Elyria Pioneer Club, Inc. for the period 8/4/2011 - 8/7/2011. 6) Mustang Wrestling Club, Inc. for the period 8/11/2011 - 8/14/2011. 7) Stallions Athletic Organization for the period 8/18/2011 - 8/21/2011. 8) Cleveland Rape Crisis Center for the period 8/25/2011 - 8/28/2011.



Department of Public Works	<p>a) Submitting an amendment (Subsidiary No. 1) to Contract No. CE1000825-01 with Cuyahoga Fence, LLC for replacement of a decorative fence on Solon Road Bridge No. 181 in the Village of Bentleyville for a decrease in the amount of (\$4,999.82).</p> <p>b) Recommending to accept the replacement of a decorative fence on Solon Road Bridge No. 181 in the Village of Bentleyville as complete and in accordance with plans and specifications; requesting authority for the Fiscal Officer to release the escrow account, in accordance with Ohio Revised Code Section 153.63.</p>
Department of Public Works	<p>a) Submitting an amendment (Subsidiary No. 1) to Contract No. CE1000337-02 with Schirmer Construction Co. for rehabilitation of West Bridge Street Bridge No. 256 over the east branch of the Rocky River in the City of Berea for additional funds in the amount not-to-exceed \$43,553.49.</p> <p>b) recommending to accept the rehabilitation of West Bridge Street Bridge No. 256 over the east branch of the Rocky River in the City of Berea as complete and in accordance with plans and specifications; requesting authority for the County Fiscal Officer to release the escrow account, in accordance with Ohio Revised Code Section 153.63.</p>
Department of Public Works	Submitting an agreement with Cleveland Public Power for right-of entry onto certain County-owned property, located on the Eastern side of, and below, the Brooklyn/Brighton Bridge West 25th Street abutting old Pearl Road, Cleveland, for relocation and installation of underground feeders and abandonment of existing duct bank crossing two railroads.
Department of Public Works	<p>Requesting approval to apply for, accept and expend grant funds from the District One Public Works Integrating Committee for Ohio Public Works Commission State Issue 1 Program funds for various projects:</p> <p>a) in the amount of \$300,000.00 for improvement of Taylor Road from East Cleveland South Corporation Line to Euclid Avenue in the City of East Cleveland.</p> <p>b) in the amount of \$1,040,000.00 for repair and resurfacing of Snow Road from West 130<sup>th</sup> Street to Ridge Road in the Cities of Parma and Parma Heights.</p> <p>c) in the amount of \$4,500,000.00 for reconfiguration of the Warrensville Center Road/Van Aken Boulevard/Chagrin Boulevard/Northfield Road Intersection in the City of Shaker Heights and Village of Highland Hills.</p>
Department of Workforce Development	Submitting an amendment to Contract No. CE0900727-01 with Youth Opportunities Unlimited for Workforce Investment Act In-School and Out-of- School Youth Training for the period 9/1/2009 - 6/30/2011 to extend the time period to 8/31/2011 to change the scope of services and the terms, effective 6/1/2011, and for additional funds in the amount of \$250,000.00.

Department of Workforce Development	Submitting a contract with Cynergies Consulting, Inc. in the amount not-to-exceed \$5,373.99 for the On-the-Job Training Program for the period 6/13/2011 - 11/30/2011.
Department of Workforce Development	Submitting a contract with Menorah Park Center for Senior Living BET Moshav Zekenim Hadati in the amount not-to-exceed \$4,531.20 for the On-the-Job Training Program for the period 6/6/2011 - 7/31/2011.
Department of Workforce Development	Submitting a contract with Pneudraulic Power, Inc. in the amount not-to-exceed \$7,280.00 for the On-the-Job Training Program for the period 6/13/2011 - 12/31/2011.
Department of Workforce Development	Submitting a contract with S&P Data Ohio, LLC in the amount not-to-exceed \$8,800.00 for the On-the-Job Training Program for the period 5/23/2011 - 6/30/2011.
Department of Workforce Development	Submitting a contract with 4Walls.com, LTD in the amount not-to-exceed \$1,801.80 for the On-the-Job Training Program for the period 6/2/2011 - 7/30/2011.
Department of Workforce Development	Submitting a contract with EnerTouch, Inc. dba GoodCents in the amount not-to-exceed \$7,280.00 for On-the-Job Training Program for the period 6/16/2011 - 12/16/2011.
Department of Workforce Development	Submitting a contract with Professional Placement Services, LLC in the amount not-to-exceed \$2,750.00 for the On-the-Job Training Program for the period 6/20/2011 - 9/30/2011.
Department of Workforce Development	Submitting a contract with Sherwood Valve LLC in the amount not-to-exceed \$18,700.00 for the On-the-Job Training Program for the period 6/13/2011 - 11/13/2011.
Department of Workforce Development	Submitting a contract with Forest City Tree Protection Co., in the amount not-to-exceed \$5,450.00 for the On-the-Job Training Program for the period 7/1/2011 - 12/31/2011.
Department of Workforce Development	Submitting a contract with Menorah Park Center for Senior Living BET Moshav Zekenim Hadati in the amount not-to-exceed \$2,710.40 for the On-the-Job Training Program for the period 7/5/2011- 8/31/2011.
Information Services Center	Submitting a contract with Endicott Microfilm Inc. in the amount not-to-exceed \$148,364.99 for maintenance on Kodak scanning equipment for various County departments for the period 7/1/2011 - 6/30/2012.
Information Services Center	Submitting an amendment to Contract No. CE0900047-01, 02 with McPhillips Plumbing, Heating and Air Conditioning Company for maintenance and repair services for air conditioning units located at 1255 Euclid Avenue, Cleveland; for use by Information Services Center and Department of Justice Services/Emergency Services Division for the period 1/1/2009 - 12/31/2010 to extend the time period to 11/30/2011; no additional funds required.
Information Services Center	Submitting an amendment to Contract No. CE0800616-01 with Sprint Solutions, Inc. for wireless communication equipment and services for use by Board of Elections and various County departments for the period 7/1/2008 - 6/30/2010 to extend the time period to 6/30/2011; no additional funds required.

Information Services Center	Submitting a contract with Pitney Bowes Software, Inc., sole source, in the amount not-to-exceed \$10,540.00 for maintenance on mailing software for Employment & Family Services for the period 7/1/2011 - 6/30/2012.
Information Services Center	Submitting a contract with Professional Business Systems, Inc., sole source, in the amount not-to-exceed \$3,508.00 for maintenance on Smead Document Management software for the Department of Children Family Services for the period 6/11/2011 - 6/11/2012.
Information Services Center	Submitting a contract with Energy System Solutions, LLC, sole source, in the amount not-to-exceed \$1,720.00 for maintenance and support of Energy System Solution Weatherization and Management Reporting System software for the Department of Development for the period 4/1/2011 - 3/31/2012.
Justice Services	Submitting agreements with various municipalities and a County agency for the Community Diversion Program in connection with the FY2010 Juvenile Accountability Block Grant Program: a) for the period 1/1/2011 - 12/31/2011: 1) City of Cleveland in the amount not-to-exceed \$70,933.00. 2) Justice Services/Witness/Victim Service Center in the amount not-to-exceed \$25,000.00 . b) for the period 6/1/2011 - 12/31/2011: 1) City of Euclid in the amount not-to-exceed \$8,779.00. 2) City of Lakewood in the amount not-to-exceed \$20,631.00. 3) City of North Olmsted in the amount not-to-exceed \$5,143.00. 4) City of South Euclid in the amount not-to-exceed \$25,628.00.
Justice Services	Requesting approval to apply for and accept grant funds from U.S. Department of Homeland Security in the amount of \$1,000,000.00 for the FY2011 Port Security Grant Program.
Justice Services	Requesting approval to apply for and accept grant funds from U.S. Department of Justice/Office of Justice Programs /Office for Victims of Crime in the amount of \$900,000.00 for National Field-Generated Training, Technical Assistance, and Demonstration Projects grant program for the period 1/1/2012 - 12/31/2014.
Justice Services	Submitting an amendment to Contract No. CE1000802-01, 02 with Watson, Rice & Company Incorporated for consultant services for analysis of Actual Uniform Cost Reports for the period 11/15/2010 - 5/31/2011 to extend the time period to 8/31/2011; no additional funds required.
Justice Services	Submitting a contract with Intergraph Corporation, sole source, in the amount of \$62,339.00 for maintenance on 9-1-1 equipment for the Cuyahoga Emergency Communications System for the period 8/1/2010 - 12/31/2011.
Justice Services	Submitting an amendment to Agreement No. AG0900092-01 with City of Cleveland for the FY2008 State Homeland Security Program - Law Enforcement for the period 9/1/2008 - 3/31/2011 to extend the time period to 7/31/2011, and for additional funds in the amount not-to-exceed \$61,850.00.

Justice Services	Submitting an agreement with the Cuyahoga County Board of Health in the amount not-to-exceed \$7,000.00 for reimbursement of eligible expenses in connection with the FY2009 Citizen Corps Program for the period 8/1/2009 - 4/30/2012.
Justice Services	Submitting agreements with various municipalities for reimbursement of eligible training expenses in connection with the FY2008 Urban Area Security Grant Program for the period 1/6/2011 - 5/15/2011: 1) City of Bedford Heights in the amount not-to-exceed \$1,853.14. 2) City of Brecksville in the amount not-to-exceed \$1,174.46.
Justice Services	Submitting an agreement with Mayfield Village in the amount not-to-exceed \$840.80 for reimbursement of eligible expenses for Communications Technician Training in connection with FY2009 Interoperable Emergency Communications Grant Program for the period 6/30/2009 - 4/30/2011.
Justice Services	Submitting an amendment to Contract No. CE1100316-01 with Cleveland Beachwood Hospitality, LLC dba Hilton Cleveland East/Beachwood for rental of space and related services for the Juvenile Crime Coalition Spring Conference for the period 5/4/2011 - 6/10/2011 for additional funds in the amount of \$1,002.95.
Justice Services	Witness/Victim Service Center, submitting an amendment to a grant award from U.S. Department of Justice, Office on Violence Against Women for the Family Justice Center: Planning, Implementation, Enhancement Project for the Encourage Arrest Policies and Enforcement of Protection Orders Grant Program for the period 10/1/2009 - 9/30/2011 to extend the time period 3/31/2012; no additional funds required.
Juvenile Court	Submitting an agreement with City of Cleveland for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Richmond Heights for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of South Euclid for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with Village of Brooklyn Heights for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with Chagrin Falls Police Department for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with Olmsted Township Police Department for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an amendment to Contract No. CE0900625-04 with Catholic Charities Services Corporation dba Parmadale for the Ohio Department of Youth Services Step-Down Program for the period 1/1/2009 - 8/31/2010 for additional funds in the amount of \$34,854.52.

Juvenile Court	Submitting an amendment to Agreement No. AG1000186-02,03 with University of Cincinnati for design and development of the Cognitive Behavioral Therapy Training Model for the Day Reporting Program for the period 3/1/2010 - 6/30/2011 to change the scope of services, effective 1/1/2011, and for additional funds in the amount of \$111,600.00.
Juvenile Court	Submitting a grant agreement and funding application to State of Ohio, Department of Youth Services in the amount of \$3,752,052.31 for community-based services for youth for the period 7/1/2011 - 6/30/2013.
Juvenile Court	Submitting an agreement with Village of Bentleyville for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with Village of Bratenahl for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with Village of Hunting Valley for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Bay Village in the amount not-to-exceed \$4,200.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting contracts with various providers for psychometrist and psychological services for the period 1/1/2011 - 12/31/2011: 1) Kathryn R. Ziemnik in the amount not-to-exceed \$33,600.00. 2) Luis Felipe Amunategui in the amount not-to-exceed \$9,100.00. 3) Randall Steven Baenen in the amount not-to-exceed \$10,800.00. 4) Joseph Christopher Bedosky dba Cleveland CBT, LLC, in the amount not-to-exceed \$23,300.00. 5) Michael J. Biscaro in the amount not-to-exceed \$3,000.00. 6) Thomas Evans in the amount not-to-exceed \$27,200.00. 7) Frank R. Ezzo in the amount not-to-exceed \$19,700.00. 8) John Matthew Fabian PsyD, JD, LLC in the amount not-to-exceed \$7,000.00. 9) Amy Justice, Ph.D, Inc. in the amount not-to-exceed \$84,000.00. 10) John Joseph Konieczny in the amount not-to-exceed \$27,900.00. 11) Kathryn M. Kozlowski in the amount not-to-exceed \$72,500.00. 12) Robert R. Kurtz in the amount not-to-exceed \$23,600.00. 13) Steven M. Neuhaus in the amount not-to-exceed \$15,000.00. 14) Terry B. Pinsoneault in the amount not-to-exceed \$37,050.00.
Juvenile Court	Submitting an agreement with City of Bedford in the amount not-to-exceed \$7,500.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Bedford Heights in the amount not-to-exceed \$3,000.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Berea in the amount not-to-exceed \$6,000.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Brecksville in the amount not-to-exceed \$2,400.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.

Juvenile Court	Submitting an agreement with City of Brooklyn in the amount not-to-exceed \$7,800.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of East Cleveland in the amount not-to-exceed \$12,000.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011
Juvenile Court	Submitting an agreement with City of Euclid in the amount not-to-exceed \$14,400.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Garfield Heights in the amount not-to-exceed \$7,200.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Highland Heights in the amount not-to-exceed \$3,600.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Lakewood in the amount not-to-exceed \$14,400.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Lyndhurst in the amount not-to-exceed \$4,800.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Maple Heights in the amount not-to-exceed \$14,400.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Mayfield Heights in the amount not-to-exceed \$4,800.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of North Royalton in the amount not-to-exceed \$8,400.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Olmsted Falls in the amount not-to-exceed \$1,200.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Parma in the amount not-to-exceed \$14,400.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Rocky River in the amount not-to-exceed \$5,400.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Solon in the amount not-to-exceed \$10,800.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Strongsville, Strongsville Police Department in the amount not-to-exceed \$9,000.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of University Heights in the amount not-to-exceed \$6,000.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.

Juvenile Court	Submitting an agreement with City of Warrensville Heights in the amount not-to-exceed \$7,200.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with City of Westlake in the amount not-to-exceed \$3,000.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with Village of Orange in the amount not-to-exceed \$3,600.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with Village of Valley View in the amount not-to-exceed \$2,400.00 for the Community Diversion Program for the period 1/1/2011 - 12/31/2011.
Juvenile Court	Submitting an agreement with Office of Health and Human Services/Cuyahoga Tapestry System of Care in the amount not-to-exceed \$443,525.00 for administrative services for the Tapestry System of Care Project for the period 1/1/2011 - 12/31/2011.
Office of Human Resources	Submitting an agreement with Cathleen Donovan for wellness services for County employees for the period 6/20/2011 - 12/31/2012.
Office of Human Resources	Requesting authority to negotiate with The Center for Families and Children Ease @ Work for an Employee Assistance Program for County employees for the period 7/1/2011 - 6/30/2014. (Executive Approval No. EA2011-0429 - authority to seek proposals.)
Office of Procurement & Diversity	Submitting specifications and estimate of cost; requesting authority for the Director of the Office of Procurement & Diversity to advertise for bids: Justice Services a) on RQ20301 for 3-roadway message boards for use by Justice Services for an estimated cost in the amount not-to-exceed \$51,000.00.
Office of Procurement & Diversity	Submitting specifications and estimate of cost; requesting authority for the Director to advertise for bids: Department of Public Works a) on RQ20628 for rubbish removal services for various County facilities for the period 11/1/2011 - 10/31/2013 for an estimated cost in the amount not-to-exceed \$379,000.00.
Office of Procurement & Diversity	Submitting an amendment to Contract No. CE1100162-02 with Ports Petroleum Company, Inc. for gasoline for various County facilities for the period 1/1/2011 - 12/31/2011 for a decrease in the amount of (\$150,000.00).
Office of Procurement & Diversity	Submitting specifications and estimate of cost; requesting authority for the Director to advertise for bids: Juvenile Court a) on RQ20585 for court transcription services for the period 1/1/2012 - 12/31/2013 for an estimated cost in the amount not-to-exceed \$113,333.34.

Office of Procurement & Diversity	Submitting specifications and estimate of cost; requesting authority for the Director to advertise for bids: Juvenile Court a) on RQ20589 for pharmacy services for the period 1/1/2012 - 12/31/2013 for an estimated cost in the amount not-to-exceed \$266,000.00.
Office of Procurement & Diversity	Recommending an award: Department of Children & Family Services a) on RQ20631 to MNJ Technologies Direct in the amount of \$49,100.00 for purchase of 100 computers and licenses (State Contract No. 534110 STS-033 ORC 125.04(C)).
Office of Procurement & Diversity	Recommending an award: County Sheriff a) on RQ20617 to Taylor Chevrolet, Inc. in the amount of \$100,171.00 for 4-Chevy Impalas and 1-Chevy Tahoe for use as police vehicles by the Impact Unit (State Contract No. RS901410/ORC 125.04(B)).
Office of Procurement & Diversity	Recommending an award: Department of Public Works a) on RQ20123 to Miami Valley International Trucks, Inc. in the amount of \$182,804.00 for 2- Model 7500 trucks with cab/chassis (O.R.C./5513.01(B))
Office of Procurement & Diversity	Submitting specifications and estimate of costs; requesting authority for the Director to advertise for bids: Department of Justice Services a) on RQ20140 for 12-hand held portable bar code scanners for an estimated cost in the amount of \$59,465.58.
Office of Procurement & Diversity	Recommending an award: Department of Public Works a) on RQ20079 to Newell Equipment Company, Inc. in the amount of \$82,737.72 for the purchase of a tandem body to be mounted on the cab and chassis (State Contract No. 800038/ORC 125.04(B)).
Office of Procurement & Diversity	Submitting specifications and estimate of cost; requesting authority for the Director to advertise for bids: Juvenile Court a) on RQ20584 for court reporting services for the period 1/1/2012 - 12/31/2013 for an estimated cost in the amount not-to-exceed \$180,000.00.
Office of Procurement & Diversity	Submitting specifications and estimate of cost; requesting authority for the Director to advertise for bids: Juvenile Court a) on RQ20591 for Interpretation and Translation Services for the period 1/1/2012 - 12/31/2013 in the not-to-exceed amount of \$60,000.00.
Office of Procurement & Diversity	Submitting specifications and estimate of cost; requesting authority for the Director to advertise for bids: Fiscal Office a) on RQ20861 for printing and mailing first and last half 2011 real property and delinquent collection tax bills for an estimated cost in the amount not-to-exceed \$310,000.00.



Office of Procurement & Diversity	Submitting various addenda to the specifications on RQ20362 for paper and plastic supplies for various County buildings for the Department of Public Works, for the period 9/1/2011 - 8/31/2013: a) No. 1, to make technical changes and to change the bid due date from 7/22/2011 to 7/29/2011. b) No. 2, to change the bid due date from 7/29/2011 to 8/3/2011.
Office of Procurement & Diversity	Recommending an award: Clerk of Courts a) on RQ20875 to Ferrarelli, Inc. in the amount of \$53,782.00 for the purchase of certified mailer (Sole Source/ORC 307.86(B).
Office of Procurement & Diversity	Recommending an award: Justice Services a) on RQ20889 to Advanced Eco-Systems, Inc. (1-1) in the amount of \$56,970.40 for the purchase of Rapid Deployment Decontamination Shelter and Accessories for Cuyahoga County Hazmat Teams.
Office of Procurement & Diversity	Recommending an award: Justice Services a) on RQ20297 to Hazmat Medical Associates, LTD. (10-3) in the amount of \$37,600.00 for 1- refrigerated trailer for use by the Medical Examiner.

# COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

## MOTION NO. M2011-0043

**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, and individually nominated the following individuals for appointment to the Cuyahoga County Soldiers' and Sailors' Monument Board of Trustees to each complete a term as designated below:

- a) Berj Shakarian, to complete an unexpired term ending on April 15, 2014;
- b) Jerry Young, to complete an unexpired term ending on April 15, 2014;
- c) William Doyle, to complete a term expiring on November 5, 2015; and,
- d) Jon Silvis, to complete a term expiring on 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 the following individuals to serve on the Cuyahoga County Soldiers' and Sailors' Monument Board of Trustees and to complete a term as designated:

- a) Berj Shakarian, to complete an unexpired term ending on April 15, 2014;
- b) Jerry Young, to complete an unexpired term ending on April 15, 2014;
- c) William Doyle, to complete a term expiring on November 5, 2015; and,
- d) Jon Silvis, to complete a term expiring on 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 23, 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 President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: August 9, 2011

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal CC003  
August 23, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0262

Sponsored by: <b>Council President Connally and County Executive FitzGerald</b>	<b>A Resolution</b> recognizing the creation of the “Courthouse Centennial Committee” and supporting the Committee’s plans to seek grants and other funding to conduct a year long series of events commemorating the 100 <sup>th</sup> birthday of the Lakeside Courthouse in 2012, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Cuyahoga County Courthouse, known as “ the Lakeside Courthouse,” built as part of the original 1903 Cleveland Group Plan, (also known as the Burnham Plan) was completed in 1912 and was listed on the National Register of Historic Places in 1975; and

WHEREAS, 2012 will be the 100<sup>th</sup> birthday of the Lakeside Courthouse, and a Courthouse Centennial Committee has been established for the following purposes: (1) to highlight the architectural and legal history associated with the Lakeside Courthouse; and (2) to share this information throughout the community at large; and (3) to foster a sense of pride and accomplishment in view of ongoing development adjacent to the Courthouse; and (4) to engage, attract and draw residents from around the county, region, state and beyond into the downtown area and its surrounding assets, and (5) to establish a record of this celebration for future generations; and

WHEREAS, the Courthouse Centennial Committee intends to seek grant and other funding to conduct a year long series of events to celebrate the Lakeside Courthouse’s 100<sup>th</sup> birthday; and

WHEREAS, the Cuyahoga County Council, in its first year of existence, desires to recognize this historic milestone of the Lakeside Courthouse, and to support the efforts of the Courthouse Centennial Committee;

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

**SECTION 1:** The Council recognizes the Courthouse Centennial Committee, chaired by the Honorable Nancy Fuerst, Presiding/Administrative Judge of the Cuyahoga County Court of Common Pleas and consisting of the following members representing the Offices of the Cuyahoga County Executive and Council, the 8<sup>th</sup> District Court of Appeals, Cuyahoga County Common Pleas Court, Cuyahoga County

Domestic Relations Court, Cuyahoga County Probate Court, the City of Cleveland, Cleveland Municipal Court, and the Cleveland Metropolitan Bar Association:

County Executive Ed FitzGerald, County Council President C. Ellen Connally, County Council Vice President Sunny Simon, Judge Patricia Ann Blackmon, Judge Sean Gallagher, Judge Mary Eileen Kilbane, Judge Diane Palos, Judge Anthony Russo, Judge Ronald Adrine, Judge Burt Griffin, (ret.), Judge Thomas Pokorny (ret.), Judith Cetina, Sharon Cole, Leo D'Arcy, Jim Ginley, Tanya Hairston, John Homolak, Bob Ivory, Melanie Lekan, Greg Popovich, Harold Rauzi, Kathleen Sassala, Jonathan Shick, Deirdre Taylor, Ute L. Vilfroy, Jim Viviani, Dave Watson, and Barbara Williams.

**SECTION 2:** The Council states its support for the celebration of the 100<sup>th</sup> birthday of the Lakeside Courthouse and encourages this demonstration of civic pride;

**SECTION 3:** The Council states its support for the Courthouse Centennial Committee's intention to seek grant and other funding to underwrite a year long series of events celebrating the Lakeside Courthouse's 100<sup>th</sup> birthday in the year 2012;

**SECTION 4.** 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 5.** It is necessary that this Resolution become immediately effective in order to recognize the work already begun by the Courthouse Centennial Committee and to allow the Committee to seek appropriate funding to ensure that the 100<sup>th</sup> birthday plans can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members elected to Council, this ordinance 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 CC003  
August 23, 2011



# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0041

Sponsored by: <b>Councilmembers Brady, Miller, Connally and Jones</b>	<b>An Ordinance</b> authorizing, enacting and designating an additional five percent of all collections of delinquent real property, personal property, and manufactured and mobile home taxes and assessments to be deposited in the delinquent tax and assessment collection fund for the use of and appropriating such amount to the use of the Cuyahoga County Land Reutilization Corporation, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Treasurer of Cuyahoga County, Ohio (the "County Treasurer"), pursuant to and in accordance with Section 321.341 of the Ohio Revised Code, has heretofore made the special tax advances authorized in Section 321.341 of the Ohio Revised Code (the "Special Tax Advances") from the collections of current late and delinquent taxes and the proceeds of current year delinquent tax collection anticipation notes (the "DTANs") to provide base funding to the Cuyahoga County Land Reutilization Corporation (respectively, the "Base Funding" and the "Corporation") in the form of the penalties and interest on such current late and delinquent taxes and assessments upon their collection (the "P&I Collections") and in an annual estimated amount of, but not exceeding in any event, \$7,000,000 (the "Maximum Base Funding Amount");

WHEREAS, in order to (i) more accurately estimate, more efficiently provide and more economically collect and distribute Base Funding to the Corporation, up to, but not exceeding, the Maximum Base Funding Amount for its fiscal years 2011 and 2012, (ii) eliminate the need for the issuance by Cuyahoga County, Ohio (the "County") of DTANs and (iii) save the Corporation the costs of issuance of the DTANs and the payment of interest thereon by the Corporation, the Corporation has asked that the County Treasurer, pursuant to division (B) of Section 321.261 of the Ohio Revised Code, request that this County Council, upon consultation with the County Executive, authorize, enact and designate pursuant to division (B) of Section 321.261 of the Ohio Revised Code an additional five percent (5%) deduction from all collections of delinquent real property, personal property and manufactured and mobile home taxes and assessments (hereafter, the "Additional DTAC Fee") to be deposited in the delinquent tax and assessment collection fund (the "DTAC Fund") and, subject to the limitation hereinafter provided through the Maximum Base Funding Amount, transferred in part or in whole to the Corporation as part of its Base

Funding in lieu of P&I Collections otherwise generated from the Special Tax Advances made with DTAN Proceeds; provided, however, that the aggregate amount transferred to the Corporation in any fiscal year from the DTAC Fund and the county land reutilization fund created and maintained under Section 321.263 of the Ohio Revised Code (the "County Land Reutilization Fund") shall not exceed the Maximum Base Funding Amount;

WHEREAS, pursuant to subdivision (B) of Section 321.261 of the Ohio Revised Code, the County Treasurer has communicated to one or more members of this Council a request from the Corporation that this Council consider the authorization, enactment and designation of the Additional DTAC Fee; and

WHEREAS, this Council acknowledges and finds that continuing provision through the County of the annual Base Funding of the Corporation in an amount equal to, but not exceeding, the Maximum Base Funding Amount is in the best interests of the County and is necessary for the Corporation to continue to achieve its mission and public purposes of, among others, alleviating the slum and blight of vacant, abandoned and foreclosed properties within the County and the negative consequences which certain national real estate practices and the recent recession have inflicted on the local real estate markets, and therefore this Council desires to authorize, enact and designate the Additional DTAC Fee in lieu of P&I Collections otherwise generated from the Special Tax Advances made with DTAN Proceeds, subject to the provisions of this Ordinance;

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

**SECTION 1. Additional DTAC Fee.** Pursuant to and in accordance with Section 321.261(B) of the Ohio Revised Code and subject to the other provisions of this Ordinance, this Council hereby authorizes, enacts and designates the Additional DTAC Fee in the amount of five percent (5%) to be applied on all collections of delinquent real property, personal property and manufactured and mobile home taxes and assessments solely for the use of the Corporation as part of its Base Funding, commencing immediately upon the effective date of this Ordinance and continuing through December 31, 2112, at or prior to which time this Council may reconsider reauthorization of the Additional DTAC Fee.

**SECTION 2. Maximum Base Funding.** Notwithstanding the provisions of Section 1 of this Ordinance, the aggregate amount transferred to the Corporation from the DTAC Fund and the County Land Reutilization Fund in any single fiscal year of the Corporation shall not exceed the Maximum Base Funding Amount.

**SECTION 3. Deposit and Appropriation of Additional DTAC Fee.** All amounts constituting the Additional DTAC Fee shall be deposited in the DTAC Fund, and such amounts upon their deposit in such fund, subject to the provisions of Section 2 hereof, are hereby appropriated for the sole use of the Corporation and shall be

disbursed to the Corporation upon warrant of the Fiscal Officer of the County (the "Fiscal Officer").

**SECTION 4. Delivery to County Treasurer and Fiscal Officer.** The Clerk of Council is hereby instructed to transmit a copy of this Ordinance upon its execution by the County Council President, the County Executive and the Clerk of Council to the Fiscal Officer and the County Treasurer.

**SECTION 5. Effective Date.** Provided this Ordinance receives the affirmative vote of eight members of Council, it shall take effect immediately upon the signature of the County Executive; otherwise it shall take effect at the earliest time permitted by law. It is hereby determined to be necessary that this Ordinance become immediately effective in order to avoid the issuance by the County of the DTANs for the Corporation's 2011 fiscal year and to ensure continued distribution of the Corporation's Base Funding for fiscal year 2011 and fiscal year 2012.

**SECTION 6. Open Meeting Determination.** It is found and determined that all formal actions of this Council meeting and 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 actions 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:  
Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

This Memorandum summarizes the essential elements of the authority for and use of a DTAC fee by the Cuyahoga County Land Reutilization Corporation (CCLRC) as an additional source of its “benchmark base funding.” A “DTAC fee” is the term used to refer to a fee or charge against the amount of delinquent real and personal property taxes collected in a given year. Authorization for such a fee can be found in Section 321.261 of the Ohio Revised Code.

## History

The revenue sources for funding a county land bank in Ohio are several.<sup>1</sup> In addition to the source currently employed by the CCLRC, the capture of penalty and interest on current unpaid and delinquent taxes upon their collection,<sup>2</sup> the original legislation passed by the Ohio General Assembly (Am. Sub. S.B. 353) included as a source of funding for a county land bank a fee of up to 5% of the amount of the total collection of delinquent real property taxes, referred to herein as the “DTAC Fee.” Since its incorporation the CCLRC has relied for the source of its “benchmark base funding” solely upon the capture of penalty and interest (P&I) on current unpaid and delinquent taxes upon their collection (P&I Capture). In order to maximize the amount of P&I Capture up to the benchmark level of \$7 million, the County has for each of the past two years issued delinquent tax anticipation notes (DTANs), the proceeds of which were used by the County Treasurer to make “special advances” in the second half of the fiscal year. Making these special advances then allowed the County Treasurer to capture for the benefit of the CCLRC the P&I on those second half current delinquent taxes, the special advances of which were funded by the DTAN proceeds.

After two years’ issuance of DTANs and the capture of the related P&I upon its collection, the CCLRC is pursuing an alternative source of funds through the substitution of a DTAC Fee for the amount of P&I otherwise needed and made available by the special advances of DTAN proceeds to provide annual revenue from its benchmark base funding source of \$7 million.

Suffice it to say for purposes of this Memorandum that the principal reasons for pursuing this substitute source of funding are (i) the certainty of its providing an amount, which together with the P&I collected on the current unpaid and delinquent taxes whose special advances were funded solely by the actual collection of those taxes, would equal for all practical purposes the benchmark base funding of \$7 million, (ii) the reduction of the

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1 They include, for example, the penalty and interest on current unpaid and delinquent property taxes (see O.R.C. Section 321.341), a fee not to exceed 5% of the total delinquent property tax collection, referred to herein as the DTAC Fee (see O.R.C. 321.261), a direct appropriation by the county from its general fund (see O.R.C. Section 307.78), a dedicated real property tax approved by the voters of the county (see O.R.C. Section 5705.19(UU)) and other sources such as grants and loans (see O.R.C. Section 1724.02(A)(1) and (H)).

2 The authority to capture penalty and interest on current unpaid and delinquent property taxes is conditioned upon the county treasurer making certain “special advances” pursuant to Ohio Revised Code Section 321.341.

costs paid by the CCLRC out of the P&I for issuance of the DTANs and the interest thereon and (iii) the lessening of the administrative work performed by County Treasurer's office staff in estimating the amount of the DTANs, advancing the proceeds thereof to the taxing districts and then tracking the collection of the delinquent taxes, including their P&I, for payment to the CCLRC.

### **Legal Authority for DTAC Fee for CCLRC**

Ohio Revised Code Section 321.261(B) gives the legislative authority of a county (in the case of Cuyahoga County, the County Council) power to enact a DTAC Fee up to 5% of the delinquent tax collection for utilization by a county land bank. The pertinent paragraph reads as follows:

“(B) During the period of time that a county land reutilization corporation is functioning as such on behalf of a county, the board of county commissioners, upon the request of the county treasurer, may designate by resolution that an additional amount, not exceeding five per cent of all collections of delinquent real property, personal property, and manufactured and mobile home taxes and assessments, shall be deposited in the delinquent tax and assessment collection fund and be available for appropriation by the board for the use of the corporation. Any such amounts so deposited and appropriated under this division shall be paid out of the delinquent tax and assessment collection fund to the corporation upon a warrant of the county auditor.”

At its Board meeting of July 15, 2011, the Board of the CCLRC adopted a resolution authorizing the President of the CCLRC to ask the County Treasurer to request that the County Council, upon consultation with the County Executive, enact an additional 5% fee to fund in part the benchmark base funding of the CCLRC. That letter will be delivered to the County Treasurer on July 25, 2011. Whether the County Council will enact the requested DTAC Fee cannot, at this time, be predicted, although a meeting with the Chair of the appropriate committee of County Council to review this matter is scheduled for the week of July 25<sup>th</sup>.

### **DTAC Fee as Substitute for P&I within Benchmark Base Funding Limit**

While there is no statutory limitation on the amount of P&I that the CCLRC can receive from the County Treasurer, there has been informal agreement between the County Treasurer and the CCLRC that the CCLRC's benchmark base funding limit be \$7 million.<sup>3</sup> Therefore, after the first half penalty distributions and first half DTAC fee distribution, and after the second half P&I distribution, projections show that the difference between the \$7 million benchmark base funding and aggregate distributions

<sup>3</sup> During the period when Am. S.B. 353 was being debated in the Ohio General Assembly, the projections of the maximum yield from the use of P&I were between \$7 million and \$9 million. The CCLRC has since come to view the \$7 million projection as the more accurate benchmark base funding maximum, although in 2010, the first full year in which P&I was the base funding for the CCLRC, the actual receipts from this source were about \$6.84 million.

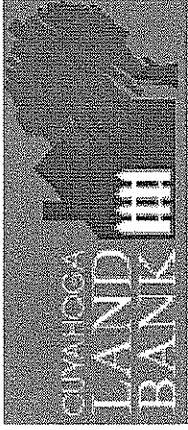
from the sources described above in this sentence can be funded with a comfortable margin by a second half DTAC fee distribution.

#### **Administrative Procedures in connection with DTAC Fee**

Ohio Revised Code Section 321.262(B) requires that moneys from all DTAC fees be deposited in the delinquent tax and assessment collection fund maintained by the County Treasurer. Upon its appropriation for use by the CCLRC, the DTAC Fees from the “additional not to exceed 5%” DTAC Fee earmarked for CCLRC use, could be disbursed directly to the CCLRC by the County Treasurer. It would be anticipated that the CCLRC would issue a standing request that all such Fees so deposited be transferred to the CCLRC in the same manner as occurs under the standing request for transfer of P&I from the County Land Reutilization Fund.

#### **Additional Information about DTAC Fee**

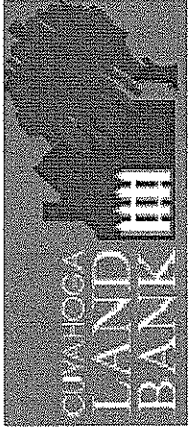
Accompanying this Memorandum is an outline captioned “CCLRC Funding Comparison” which, in addition to some of the information in this Memorandum, contains estimates of the DTAC Fees based upon actual historic delinquent collections and the methodology that is contemplated in implementing the additional 5% DTAC Fee.



**CCLRC FUNDING COMPARISON:**

***DELINQUENT TAX AND ASSESSMENT COLLECTION (DTAC) CHARGE  
VERSUS DELINQUENT TAX ANTICIPATION NOTES (DTANS)***

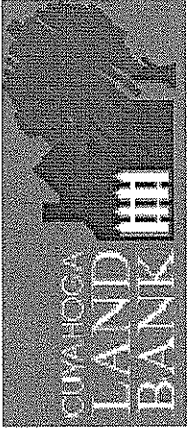
- **PROPOSAL:** Replace Issuance/Purchase by County of Delinquent Tax Anticipation Notes (DTANS) with Five Percent (5%) Increase in DTAC Charge
- **OBJECTIVES:**
  1. Administratively simpler for County through elimination of delinquent collection forecasting and issuance/purchase of debt
  2. Revenue-neutral to taxing authorities



## BASE COMPONENTS OF CCLRC FUNDING

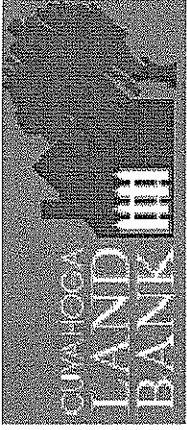
- Penalties on Late Payments (after close of first half collection)
  - Only on the tax component collected and advanced to taxing authorities within 120 days of first half closing
  - 2009-2010 Average Penalty amount: **\$1.9 million**
- Penalties and interest on current year Delinquent Payments (after close of second half collection)
  - Only on the tax component collected and advanced to taxing authorities within 120 days of second half closing
  - 2009-2010 Average amount: **\$2.2 million**





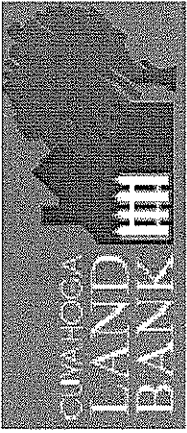
### BASE COMPONENTS OF CCLRC FUNDING (cont.)

- Penalties and interest on current year Delinquent Payments projected to be collected after second half closing through following June 30th
  - Only on the tax component advanced to taxing authorities within 120 days of second half closing
  - October 2009 Special Tax Advance funded through DTANs (\$19.864 million)
    - Incremental interest income to County: \$129,000 (est.)
    - June 30 DTAN balance of \$899,000 purchased by CCLRC from County
  - 2009 Penalty amount: **\$1.99 million**
  - 2009 Interest amount: **\$0.1 million**
  - County's property tax software did not allow for interest to be levied on monthly basis, resulting in \$600,000 - \$800,000 in lower funding to CCLRC
  - November 2010 Special Tax Advance funded through DTANs (\$14.955 million)
    - Approximately \$3.2 million outstanding as of April 1st



## *PROPOSED ALTERNATIVE TO DTANS*

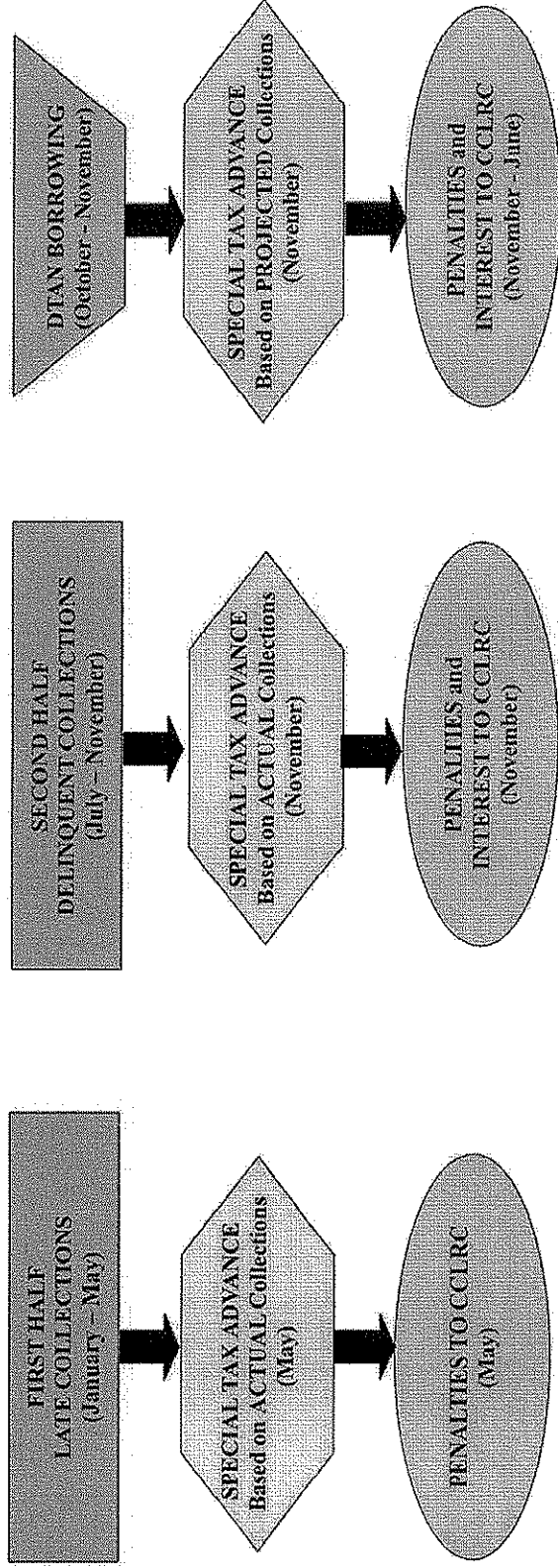
- Increase DTAC by 5% as permitted by ORC Section 321.261(B)
- Eliminate issuance/purchase of DTANs by County
- Using the lowest total delinquent collection in the last four years (\$86.9 million), additional DTAC charge will generate \$4.345 million
- Proposed resolution establishes annual CCLRC “Base Funding” level generated from three sources (i.e., penalties on late collections, penalties/interest on current year delinquent collections and DTAC) at \$7.0 million
- Any revenues in excess of Base Funding level returned by County Treasurer to taxing authorities



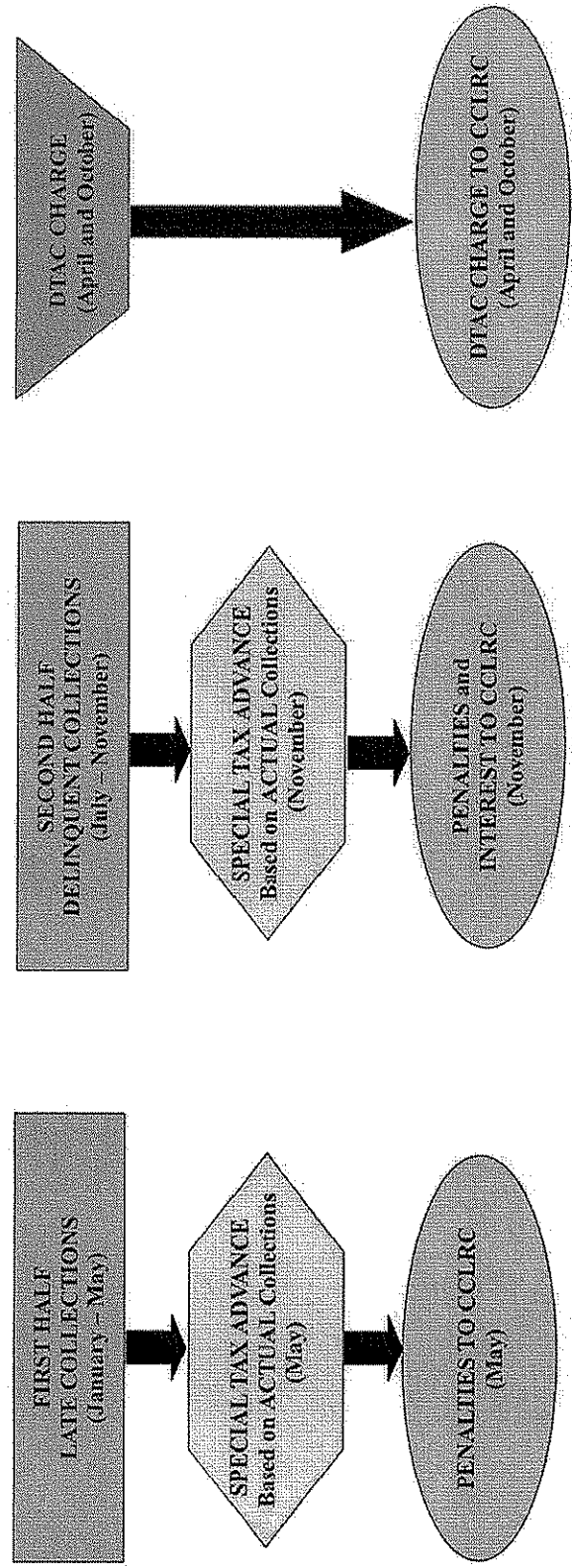
*CASH FLOW EXAMPLE (in millions)*

Penalty on First Half Late Payments	\$1.90
Penalty/Interest on Second Half Delinquent Payments	\$2.20 (+)
CCLRC-Dedicated DTAC Increase at 5%	<u>\$4.34 (+)</u>
Total Gross Revenues	\$8.44 (=)
CCLRC Base Funding	<u>\$7.00 (-)</u>
Reimbursement to Taxing Authorities	\$1.44 (=)

### CURRENT Base Components of CCLRC Funding



### PROPOSED Base Components of CCLRC Funding



# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0042

Sponsored by: <b>Councilmember Simon</b>	<b>An Ordinance</b> providing for adoption of a policy granting health benefits to domestic partners of County employees, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 9.01 of the Charter of Cuyahoga County (the “Charter”) provides that the County’s Human Resources Policies and Systems for County employees shall be established by ordinance 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 12.07 of the Charter provides that all County employees shall be appointed, employed, promoted and compensated without regard to their race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, Section 9.02 of the Charter provides that the Human Resource Commission shall have authority to ensure standardization of benefits and such other functions as may be deemed necessary by the Council for the Human Resource Commission to carry out its mission and purpose; and,

WHEREAS, the County’s current health benefits policy specifically restricts family coverage to a legally married spouse of an employee and dependent children; and,

WHEREAS, Adoption of a policy providing health benefits to domestic partners is necessary to create fairness amongst County employees with regard to compensation and to allow the County to be competitive in attracting the “best and brightest” talent to work for Cuyahoga County government; and,

WHEREAS, Offering health benefits to domestic partners is consistent with the County’s commitment to social and economic justice, diversity, and inclusiveness; and,

WHEREAS, It is necessary that this Ordinance become immediately effective in order to provide sufficient time for the Human Resource Commission to meet the deadlines set forth herein.

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

**SECTION 1.** Pursuant to the authority granted in Section 9.02 of the Charter, and in accordance with the mandate in Section 9.01 of the Charter, the Human Resource Commission is hereby directed to prepare and submit to Council a policy providing for health benefits for domestic partners of County employees. This policy shall be submitted to Council no later than October 4, 2011. The policy shall be submitted in the form of an amendment to this Ordinance and shall include, but not be limited to, the following elements:

- (A) A domestic partner registration and documentation process for all County employees and their same-sex or opposite-sex domestic partners; and
- (B) Amendment to the definition of "spouse" in all applicable County health benefit policies to include all domestic partners registered under the process developed in accordance with subsection (A) above.

**SECTION 2.** It is necessary that this Ordinance become immediately effective in order to provide sufficient time for the Human Resource Commission to meet the deadlines set forth herein. 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 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:  
Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0013

Sponsored by: <b>Councilmembers Miller, Greenspan and Brady</b>	<b>An Ordinance</b> providing for adoption of an Open Meetings Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, a process that is open, transparent, and accessible to the public will facilitate the development of county government that is efficient, effective, and creative in improving social and economic conditions in Cuyahoga County; and

WHEREAS, Ohio Revised Code Section 121.22 requires public officials to take official actions and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law; and

WHEREAS, Article 12, Section 5 of the Cuyahoga County Charter states that all meetings of the County Council and any committee, board, commission, agency, or authority of the County, as well as any similar body created by the Charter or by the County Council shall be open to the public as provided by general law;

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

**SECTION 1: Public Meetings Policy.** The Public Meetings Policy of Cuyahoga County is established as follows:

### PUBLIC MEETINGS POLICY OF CUYAHOGA COUNTY, OHIO

#### ARTICLE 1: Definition of Public Body

As used in this Ordinance, "public body" shall include only those entities of Cuyahoga County government listed in Article 12, Section 5 of the Cuyahoga County Charter.

#### ARTICLE 2: State Law to Control Public Meetings Policy in Cuyahoga County Government

As provided in Article 12, Section 5 of the Cuyahoga County Charter, all meetings of the Council and any committee, board, commission, agency, or authority of the County, as well as any similar body created by the Charter or by the County Council, shall be open to the public as provided by general law.

## ARTICLE 3: Public Participation

Section 3.1: In addition to the requirements provided for in Article 2 of this Ordinance, any meeting of a public body, as defined in Article 1, that must be open to the public under the Open Meetings Act or other general law pursuant to Article 2 of this Ordinance shall include time at the beginning of the meeting for public comment related to the agenda for that day's meeting. Every such meeting shall also include time for public comment related to that meeting's purposes but not related to that day's agenda. Such comments may be heard either at the same time as comment related to that day's agenda or at a later time during the meeting.

### Section 3.2: Procedure for Public Comment

Any public body conducting a public meeting covered under Article 1 of this Ordinance may establish rules to regulate its public comment process, including completion of a brief registration form and a reasonable time limit on presentations, provided that such rules provide fair and equal treatment for all presenters and are no more restrictive than what is required to promote the orderly conduct of official business.

### Section 3.3: Decorum at Public Meetings

Any public body may adopt rules to insure decorum at its meetings, provided that such rules also protect the free and appropriate expression of ideas.

### Section 3.4: Wireless Communication Devices

Any public body may prohibit the use of audible wireless communication devices at its meetings.

### Section 3.5: Filming, Taping, and Recording of Meetings

Any person may film, tape, or record any public meeting in ways that do not significantly disrupt the conduct of official business. Any public body may request persons wishing to film, tape, or record any of their meetings to register with their clerk or secretary but shall also clearly state that such registration is not required.

Section 3.6: The requirements of this Ordinance do not apply to any gatherings of public officials that do not constitute a meeting under the Ohio Open Meetings Act, such as quasi-judicial hearings, staff meetings, collective bargaining negotiations, or conducting employee interviews.

## ARTICLE 4: Preparation of Pamphlet Describing Public Meeting Process

Not more than 90 days after the effective date of this Ordinance, the Clerk of County Council shall post on the County Council's website a copy, or a link if possible, of the Ohio Open Meetings Act section of the most up-to-date version of the Ohio Attorney



General and Ohio Auditor's Sunshine Law Manual accompanied with the additional requirements imposed under this Ordinance. The Clerk of County Council shall also provide a printed copy of the combined summary and the Open Meetings Act section of the Sunshine Law Manual at no charge to any person upon request.

**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: February 22, 2011  
Committee Assigned: Rules, Charter Review, Ethics & Council Operations

Second Reading: \_\_\_\_\_

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0036

Sponsored by: <b>Councilmembers Miller, Schron, Conwell, Brady, Gallagher, Germana, Greenspan, Rogers, Jones, Simon and Connally</b>	<b>An Ordinance</b> establishing the procedure for adopting a Biennial Operating Budget and Capital Improvements Plan with an annual update, and declaring the necessity that this Ordinance become immediately effective.
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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: August 9, 2011  
Committee(s) Assigned: Finance & Budgeting

Additional Sponsorship Requested on the Floor: August 9, 2011

Second Reading: August 23, 2011

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0039

<p>Sponsored by: <b>Councilmembers Schron and Miller and County Executive FitzGerald</b></p>	<p><b>An Ordinance</b> 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.</p>
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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 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: August 9, 2011

Committee(s) Assigned: Economic Development & Planning

Additional Sponsorship Requested on the Floor: August 9, 2011

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0263

Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management</b>	<b>A Resolution</b> 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.
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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.           21A877 - Cuyahoga River Environmental Restoration CP755710- Cuyahoga River Environmental Restoration Other Expenses                   \$           1,250,000.00	<b>BA11000722</b>

Funding Source: U.S. Army Corps of Engineers.

B.	21A520 - Ryan White, Title I HIV/AIDS MI752972-Ryan White HIV/AIDS Admin & Plan Support	<b>BA1100737</b>
	Personal Services	\$ 257,155.87
	Other Expenses	\$ 123,289.53

Funding Source: U.S Department of Health and Human Services.

C.	21A520 - Ryan White, Title I HIV/AIDS MI752964-Ryan White HIV/AIDS Service Contract	<b>BA1100738</b>
	Other Expenses	\$ 2,150,828.95

Funding Source: U.S Department of Health and Human Services.

D1.	21A653 – Title VI – B School Age MR741413- CCBDD FY12 School Age IDEA Grant	<b>BA1100735</b>
	Personal Services	\$ 437,796.41

D2.	21A654 – Title VI – Pre-School Grant MR741405- CCBDD FY12 Pre-School Grant	<b>BA1100735</b>
	Personal Services	\$ 9,252.50

Funding Source: Ohio Department of Education.

E.	21A520 - Ryan White, Title I HIV/AIDS MI752972-Ryan White HIV/AIDS Admin & Plan Support	<b>BA1100740</b>
	Capital Outlays	\$ (887.35)

Funding Source: U.S Department of Health and Human Services.

F.	21A047 – O’Neil Invest in Children & Pos Mom Init EC720854 – O’Neil Invest in Children & Pos Mom Init	<b>BA1100631</b>
	Other Expenses	\$ 149,820.00

Funding Source: Donated funds from The O’Neill Foundation.

G.	21A048 – The Cleveland Foundation for IIC EC720862 – The Cleveland Foundation for IIC	<b>BA1100705</b>
	Other Expenses	\$ 700,000.00

Funding Source: Donated funds from The Cleveland Foundation.

H.	21A173 – Adult Drug Court Project CO753194 – Adult Drug Court Prj FY12	<b>BA1100720</b>
	Personal Services	\$ 137,029.00

Funding Source: Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County.

I.	21A176 – Treatment Capacity Expansion CO753186 – Treatment Capacity Expansion FY2012	<b>BA1100721</b>
	Personal Services	\$ 171,225.00





P.	21A418 – TASC Drug Court		<b>BA1100700</b>
	JA747048– TASC Drug Court-FY2004		
	Other Expenses	\$	(4,645.37)

Funding Source: Ohio Department of Alcohol and Drug Addiction Services.

Q.	21A418 – TASC Drug Court		<b>BA1100701</b>
	JA747055– FY2005 TASC Drug Court		
	Other Expenses	\$	(1,532.36)

Funding Source: Ohio Department of Alcohol and Drug Addiction Services.

R.	21A311 – TASC		<b>BA1100702</b>
	JA751842– TASC FY09		
	Other Expenses	\$	(7,706.00)

Funding Source: Ohio Department of Alcohol and Drug Addiction Services.

S.	21A311 – TASC		<b>BA1100703</b>
	JA746917– TASC FY02		
	Other Expenses	\$	(1,079.43)

Funding Source: Ohio Department of Alcohol and Drug Addiction Services.

T.	20A312 – Coroner’s Lab		<b>BA1100731</b>
	CR180034– Coroner’s Lab		
	Capital Outlays	\$	50,500.00

Funding Source: Fees for autopsies, Life Banc and other fees for service activities.

U1.	01A001 - General Fund		<b>BA1100683</b>
	SH350579 – Sheriff Operations		
	Personal Services	\$	(47,327.00)

U2.	01A001 – General Fund		
	SH350272 – Law Enforcement		
	Other Expenses	\$	(290,000.00)

Funding Source: General Fund.

V.	20A630 – Home Detention Fees		<b>BA1100688</b>
	SH586115 – Home Detention Fees		
	Other Expenses	\$	38,750.00

Funding Source: Probation Fees.

W.	01A001 – General Fund		<b>BA1100692</b>
	SH350470 – Jail Operations		
	Other Expenses	\$	325,000.00

Funding Source: General Fund.

X.	01A001 - General Fund CH100958 – Charter Review and Redistricting Other Expenses	\$ 50,000.00	<b>BA1100742</b>
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Funding Source: General Fund.

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

**Fund Nos. /Budget Accounts** **Journal Nos.**

A. FROM:	22S274 – Home Weatherization Assistance Program (HWAP) American Reinvestment and Recovery Act (ARRA) 2009-2010 DV725192 – HWAP ARRA Dept of Energy (DOE) Admin 2009 – 2010 Other Expenses	\$ 108,980.00	<b>BA1100655</b>
TO:	22S274 – Home Weatherization Assistance Program (HWAP) American Reinvestment and Recovery Act (ARRA) 2009-2010 DV725218 – HWAP ARRA Dept of Energy (DOE) Support 2009 -2010 Other Expenses	\$ 108,980.00	

Funding Source: U.S. Department of Energy.

B. FROM:	21A837 – State Homeland Security (SHSG) JA763391 – FY2008 State Homeland Security (SHSP) Other Expenses	\$ 9,325.00	<b>BA1100680</b>
TO:	21A837 – State Homeland Security (SHSG) JA763391 – FY2008 State Homeland Security (SHSP) Capital Outlay	\$ 9,325.00	

Funding Source: Ohio Department of Emergency Management.

C. FROM:	21A838 – JAG Asst Justice 05 JA755405 – JAG Asst Justice 07 Other Expenses	\$ 54,133.76	<b>BA1100697</b>
TO:	21A838 – JAG Asst Justice 05 JA755405 – JAG Asst Justice 07 Capital Outlay	\$ 54,133.76	

Funding Source: United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

D. FROM: 01A001 – General Fund **BA1100729**  
 SH351080 – Impact Unit/Community Policing  
 Personal Services \$ 40,000.00

TO: 01A001 – General Fund  
 SH351080 – Impact Unit/Community Policing  
 Capital Outlays \$ 40,000.00

Funding Source: General Fund

E. FROM: 01A001 – General Fund **BA1100687**  
 SH350058 - Sheriff  
 Other Expenses \$ 515,943.00  
 Capital Outlay \$ 5,464.00

01A001 – General Fund  
 SH350041 – Inmate Services  
 Other Expenses \$ 488,282.00

TO: 01A001 – General Fund  
 SH350496 - Food  
 Other Expenses \$ 462,185.00

01A001 – General Fund  
 SH350579 – Sheriff Operations  
 Other Expenses \$ 53,758.00  
 Capital Outlay \$ 5,464.00

01A001 – General Fund  
 SH350504 – Health Care  
 Other Expenses \$ 488,282.00

Funding Source: General Fund.

F. FROM: 01A001 – General Fund **BA1100690**  
 SH350579 – Sheriff Operations  
 Personal Services \$ 1,425,000.00

TO: 01A001 – General Fund  
 SH350470 – Jail Operations  
 Personal Services \$ 1,425,000.00

Funding Source: General Fund.

G. FROM: 24A601 – Senior and Adult Services **BA1100691**  
 SA138354 – Management Services  
 Personal Services \$ 225,000.00

TO: 24A601 – Senior and Adult Services  
 SA138321 – Administrative Services  
 Personal Services \$ 225,000.00

Funding Source: Health and Human Services Levy Fund, the Public Assistance allocations, and fees for services.

H. FROM:	01A001 – General Fund PD140053 – Public Defender Personal Services	\$ 20,000.00	<b>BA1100718</b>
TO:	01A001 – General Fund PD140053 – Public Defender Other Expenses	\$ 20,000.00	

Funding Source: General Fund.

I. FROM:	40A069 – Capital Project Future Debt Issue CC767848 – HPG Misc. Repairs Capital Outlay	\$ 40,000.00	<b>BA1100464</b>
TO:	40A069 –Capital Project Future Debt Issue CC767848 – HPG Misc. Repairs Personal Services	\$ 40,000.00	

Funding source: A future debt issuance.

J. FROM:	40M014 – Capital Project Mixed CC770909 – 20% County Wind Turbine Project Personal Services	\$ 77,000.00	<b>BA1100463</b>
TO:	40M014 – Capital Project Mixed CC770909 – 20% County Wind Turbine Project Capital Outlay	\$ 77,000.00	

Funding Source: Cuyahoga County has been awarded \$1,400,000 in grants to install the wind turbine at the Cuyahoga County Fairgrounds. Another \$200,000 in grants from the State are being pursued for the project. The County will be funding the remaining \$400,000 with proceeds from future debt to be issued for the project.

**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>
A1. FROM:	<b>JT1100087</b>
29A390 – Health and Human Services Levy 2.9 SU513986 – Employment and Family Subsidy 2.9 Transfer Out	\$ 343,941.92
TO:	
24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$ 343,941.92

A2. FROM: 29A390 – Health and Human Services Levy 2.9  
SU513986 – Employment and Family Subsidy 2.9  
Transfer Out \$ 133,021.48

TO: 24A510 – Work and Training Admin.  
WT137109 – Administrative Services  
Revenue Transfer \$ 133,021.48

A3. FROM: 29A391 – Health and Human Services Levy 4.9  
SU514430 – Employment and Family Subsidy 4.9  
Transfer Out \$ 561,168.40

TO: 24A510 – Work and Training Admin.  
WT137109 – Administrative Services  
Revenue Transfer \$ 561,168.40

A4. FROM: 29A391 – Health and Human Services Levy 4.9  
SU514430 – Employment and Family Subsidy 4.9  
Transfer Out \$ 217,035.04

TO: 24A510 – Work and Training Admin.  
WT137109 – Administrative Services  
Revenue Transfer \$ 217,035.04

Funding Source: Health and Human Services Levy Fund.

B. FROM: 26A651 – \$7.50 Road & Bridge Registration Tax **JT1100012**  
CE417477 - \$7.50 License Tax Fund Capital Improvements  
Transfer Out \$ 536,473.22

TO: 40A526 – Ohio Department of Transportation (ODOT) – Local  
Projects Administration (LPA)  
CE785006 – ODOT - LPA  
Revenue Transfer \$ 536,473.22

Funding Source: The Cook Stearns Road Project was funded 38% with Federal Highway Administration dollars passed through ODOT, 40% by Issue I and 22% by the County (\$7.50 Fund).

C. FROM: 26A601 – General Gas and License Fees  
CE411058 – County Engineer Administration  
Transfer Out \$ 241,341.45

TO: 40A526 – Ohio Department of Transportation (ODOT) – Local  
Projects Administration (LPA)  
CE785006 – ODOT - LPA  
Revenue Transfer \$ 241,341.45

Funding Source: The Crocker / Stearns Road Project was funded up to \$8.0 million with Federal Highway Administration dollars passed through ODOT, and the balance was funded by the County and a State Infrastructure Bank loan.

D. FROM: 26A650 – \$5.00 Road Capital Improvements  
 CE418053 – County Engineer \$5.00 License Tax Fund  
 Transfer Out \$ 965,417.00

TO: 40A524 – Ohio Department of Public Works Integrating Committee  
 (Issue I)  
 CE785188 – Old Mill Road Bridge #162  
 Revenue Transfer \$ 965,417.00

Funding Source: 17% with Issue I dollars and 83% by the County (\$5.00 Fund).

E. FROM: 21A311 – TASC **JT1100125**  
 JA751230 – TASC FY08  
 Transfer Out \$ 16,007.90

FROM: 21A311 – TASC  
 JA751842 – TASC FY09  
 Transfer Out \$ 73,654.61

FROM: 21A418 – TASC Drug Court  
 JA751271 – FY2008 TASC Drug Court  
 Transfer Out \$ 23,790.54

FROM: 21A418 – TASC Drug Court  
 JA751859 – FY2009 TASC Drug Court  
 Transfer Out \$ 22,201.05

TO: 20A317 – ADAMHSBCC  
 MH435560 – Pass Thru Services  
 Revenue Transfer \$ 135,654.10

Funding Source: Ohio Department of Alcohol and Drug Addiction Services.

F. FROM: 21A311 – TASC **JR1101858**  
 JA746917 – TASC FY02  
 Transfer Out \$ 1,079.43

FROM: 21A418 – TASC Drug Court  
 JA747048 – TASC Drug Court-FY2004  
 Transfer Out \$ 4,645.37

FROM: 21A418 – TASC Drug Court  
 JA747055 – FY2005 TASC Drug Court  
 Transfer Out \$ 1,532.36

FROM: 21A418 – TASC Drug Court  
 JA749028 – FY2006 TASC Drug Court  
 Transfer Out \$ 989.39

FROM: 21A418 – TASC Drug Court  
JA751271 – FY2008 TASC Drug Court  
Transfer Out \$ 825.07

TO: 20A099 – TASC Medicaid Funds (CO)  
CO456525 – TASC Medicaid Funds (CO)  
Revenue Transfer \$ 9,071.62

Funding Source: Funding is from service fees generated through the TASC programs.

G. FROM: 29A390 – Alcohol Drug Addiction Mental Health 2.9 JT1100091  
SU514646– Alcohol Drug Addiction Mental Health Board Subsidy  
Transfer Out \$ 4,201,707.00

29A391 – Alcohol Drug Addiction Mental Health 4.8  
SU514596 - Alcohol Drug Addiction Mental Health Board Subsidy  
Transfer Out \$ 4,201,707.00

TO: 20A317 – Mental Health  
MH431056 – Mental Health Administrative  
Revenue Transfer \$ 8,403,414.00

Funding Source: Health and Human Services Levy 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

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County Executive	Date
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Clerk of Council	Date
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Journal CC003  
August 23, 2011



August 16, 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 23, 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
Ryan White Title I HIV/AIDS – To appropriate the administration and support grant from the U.S. Department of Health & Human Services.	\$380,445.40
Early Childhood/Invest in Children – To appropriate a grant from the O'Neill Foundation to support the Positively Moms Initiative.	\$149,820.00
Early Childhood/Invest in Children –To appropriate a grant from the Cleveland Foundation to be used for evaluation, communication and scholarships for the Universal Pre-Kindergarten program.	\$700,000.00
Sheriff – Reducing appropriation for one staff relocated to the Law Department (\$47,327) and to correct the 2011 budget by reducing appropriations by \$290,000.	-\$337,327.00
Sheriff – To appropriate funds to the Commissary Fund to support Correction Officer salaries.	\$325,000.00
Charter Review & Redistricting - Additional appropriation to cover contractual expenses associated with the redistricting of County Council districts.	\$50,000.00
<b>TOTAL</b>	<b>\$1,267,938.40</b>

Other Operating Funds	Amount
Justice Services – Additional appropriation to cover pending software and equipment purchases for the Wireless 9-1-1 Government Assistance program. Funding is from fees assessed on 911 phone calls placed in Cuyahoga County.	\$100,000.00
Medical Examiner – Additional appropriation to cover pending computer and equipment purchase for the Lab Fund. Funding is from autopsies, Life Banc, and other fee for service activities.	\$50,500.00
Sheriff – Additional appropriation to cover a contract for home detention equipment. Funding is from probation fees.	\$38,750.00
<b>TOTAL</b>	<b>\$189,250.00</b>

Grants/Projects	Amount
County Planning Commission – To appropriate an award from the U.S. Army Corp of Engineers for the design and installation phase of the Cuyahoga River Restoration Green Infrastructure Project.	\$1,250,000.00
Ryan White Title I HIV/AIDS – To appropriate the grant from the U.S. Department of Health & Human Services.	\$2,150,828.95
Board of Developmental Disabilities – To appropriate an award from the Ohio Department of Education for the School Age IDEA and Pre-School grants for FY2012.	\$447,048.91
Ryan White Title I HIV/AIDS – Decrease in appropriation to align budget per grant award. Funding is from the U.S. Department of Health & Human Services.	-\$887.35
Common Pleas Court – To appropriate a grant from the Alcohol, Drug Addiction, and Mental Health Services Board for the Greater Cleveland Drug Court.	\$137,029.00
Common Pleas Court – To appropriate a grant from the Alcohol, Drug Addiction, and Mental Health Services Board for the Treatment Capacity Expansion FY2012 program.	\$171,225.00
Common Pleas Court – To appropriate the CCA 408 Jail/Misdemeanant grant from the Ohio Department of Rehabilitation and Correction.	\$495,000.00

Engineer – To appropriate funding for the Cannon Road Bridge #140 and the Scenic Byway Signage Projects. Funding for the bridge project is 90% Federal Highway Administration and 10% from the \$5.00 fund. Funding for the Scenic Byway is 80% Federal Highway Administration and 20% from the \$5.00 fund.	\$161,683.00
Justice Services – Reducing appropriation to close out the Family Justice Center FY2009 Violence Against Women Act (VAWA) Block Grant.	-\$4,513.59
Justice Services - Reducing appropriation to close out the Treatment Alternative to Street Crimes FY08 grant from the Ohio Department of Alcohol & Drug Addiction Services.	-\$.43
Justice Services - Reducing appropriation to close out the Treatment Alternative to Street Crimes Drug Court FY06 from the Ohio Department of Alcohol & Drug Addiction Services.	-\$989.39
Justice Services - Reducing appropriation to close out the Treatment Alternative to Street Crimes Drug Court FY04 from the Ohio Department of Alcohol & Drug Addiction Services.	-\$4,645.37
Justice Services - Reducing appropriation to close out the Treatment Alternative to Street Crimes Drug Court FY05 from the Ohio Department of Alcohol & Drug Addiction Services.	-\$1,532.36
Justice Services - Reducing appropriation to close out the Treatment Alternative to Street Crime FY09 from the Ohio Department of Alcohol & Drug Addiction Services.	-\$7,706.00
Justice Services - Reducing appropriation to close out the Treatment Alternative to Street Crimes FY02 from the Ohio Department of Alcohol & Drug Addiction Services.	-\$1,079.43
<b>TOTAL</b>	<b>\$4,791,460.94</b>

<b>Total Additional Appropriations - All Funds</b>	<b>\$6,248,649.34</b>
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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>08/23 Agenda</u>	<u>Year to Date</u>	<u>Adjusted Annual Appropriation</u>
General Fund	\$ 37,673.00	\$ 26,361,548.77	\$ 331,278,700.77
Other Fund	\$ 6,210,976.34	\$ 102,195,866.01	\$ 1,511,189,595.01
Total	\$ 6,248,649.34	\$ 128,557,414.78	\$ 1,842,468,295.78

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

<b>General Fund/Health &amp; Human Services</b>	<b>Amount</b>
Sheriff – Realigning appropriation to cover the increased costs for build-out of vehicles, and supporting equipment for the Impact unit.	\$40,000.00
Sheriff – Realigning appropriations to new divisions set up in 2010. (Items E & F.)	\$2,434,689.00
Senior & Adult Services – Realigning appropriations to support expenses of staff transferred to the Administrative Services Division. Funding is from the Health & Human Services Levy Fund and Public Assistance allocations.	\$225,000.00
Public Defender – Realigning appropriations from personal services to cover other expenses.	\$20,000.00
<b>TOTAL</b>	<b>\$2,719,689.00</b>

<b>Other Operating Funds</b>	<b>Amount</b>
<b>TOTAL</b>	<b>0</b>

<b>Grants/Projects</b>	<b>Amount</b>
Development – Realignment to cover operating activity in the Home Weatherization Assistance Program Support. Funding is from the U.S. Department of Energy.	\$108,980.00
Justice Services – Realigning appropriation to cover pending purchases. Funding is from the U.S. Department of Homeland Security, Federal Emergency Management Agency.	\$9,325.00
Justice Services - Realigning appropriation to cover pending purchases. Funding is from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.	\$54,133.76
Capital Projects – Realignment in the Huntington Park Garage Miscellaneous Repairs project to cover personal services for the project. Funding is from a future debt issuance.	\$40,000.00
Capital Projects – Realignment to cover the custom design of the Museum Exhibits for the Energy Center at the Cuyahoga County Fairgrounds. Funding is various grants, State and a future debt issuance.	\$77,000.00
<b>TOTAL</b>	<b>\$289,438.76</b>

<b>Total Appropriation Transfers - All Funds</b>	<b>\$3,009,127.76</b>
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**Cash Transfer Summary** – Operating transfers support operating expenditures, related to a cash matches for a grants, 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.

General Fund/Health & Human Services	Amount
Health & Human Services Levy Fund – A cash transfer to cover the mandated share for TANF and Non TANF related administration for Medicaid, and food related expenditures. Funding is from the Health & Human Services Levy Fund.	\$1,255,166.84
Alcohol, Drug Addiction, & Mental Health Services Board – A cash transfer to disburse the third quarter subsidy payment. Funding is from the Health & Human Services Levy Fund.	\$8,403,414.00
<b>TOTAL</b>	<b>\$9,658,580.84</b>

Other Operating Funds	Amount
<b>TOTAL</b>	<b>0</b>

Grants/Projects	Amount
Engineer – A cash transfer to close-out the Cook/Stearn Road Project. Funding is 38% Federal Highway Administration dollars, 40% from Issue I, and 22% from the County \$7.50 Fund.	\$536,473.22
Engineer – A cash transfer to close-out the Crocker/Stearns Extension Project. Funding is from Federal Highway Administration dollars.	\$241,341.45
Engineer – A cash transfer to begin the Old Mill Road Bridge #162 project. Funding is 17% Issue I dollars and 83% from the County \$5.00 Fund.	\$965,417.00
Justice Services – A cash transfer to reimburse the Alcohol, Drug Addiction, and Mental Health Services Board for Treatment Alternatives to Street Crimes (TASC) and TASC Drug Court revenues in excess of grant expenditures. Funding is from the Alcohol, Drug Addiction, and Mental Health Services Board.	\$135,654.10
Justice Services – A residual equity transfer from various Treatment Alternatives to Street Crimes (TASC) accounts to Common Pleas Court for the TASC Medicaid account. Funding is from service fees generated through the TASC programs.	\$9,071.62
<b>TOTAL</b>	<b>\$1,887,957.39</b>

<b>Total Cash Transfers - All Funds</b>	<b>\$11,546,538.23</b>
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Thank you for your consideration regarding this matter.

Sincerely,



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 16, 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 23, 2011. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

### **Resolution: Additional Appropriations**

A. 21A877 - Cuyahoga River Environmental Restoration **BA11000722**  
CP755710- Cuyahoga River Environmental Restoration  
Other Expenses \$ 1,250,000.00

This appropriation increase is requested in concurrence with acceptance of award by the Board of Control on August 1, 2011 for the federal grant to continue with the design and installation (construction) phase of the Cuyahoga River Restoration - Green Infrastructure (Bulkheads) Project. The funding source is the U.S. Army Corps of Engineers.

B. 21A520 - Ryan White, Title I HIV/AIDS **BA1100737**  
MI752972-Ryan White HIV/AIDS Admin & Plan Support  
Personal Services \$ 257,155.87  
Other Expenses \$ 123,289.53

To increase appropriation in response to allocation awarded to the county for Ryan White, Title I HIV/AIDS administration and planning support grant. There is no cash match in conjunction with this grant. The source of funding is the U.S Department of Health and Human Services.

C. 21A520 - Ryan White, Title I HIV/AIDS **BA1100738**  
MI752964-Ryan White HIV/AIDS Service Contract  
Other Expenses \$ 2,150,828.95

To increase appropriation in response to allocation awarded to the county for Ryan White, Title I HIV/AIDS administration and planning support grant. There is no cash match in conjunction with this grant. The source of funding is the U.S Department of Health and Human Services.

D1.	21A653 – Title VI – B School Age MR741413- CCBDD FY12 School Age IDEA Grant Personal Services	\$ 437,796.41	<b>BA1100735</b>
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D2.	21A654 – Title VI – Pre-School Grant MR741405- CCBDD FY12 Pre-School Grant Personal Services	\$ 9,252.50	<b>BA1100735</b>
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Request an increase in appropriation to cover staff salaries and professional development for the School Age IDEA and Pre-School Grants for FY2012. This grant was awarded by the Ohio Department of Education. There is no cash match required, and no general fund impact.

E.	21A520 - Ryan White, Title I HIV/AIDS MI752972-Ryan White HIV/AIDS Admin & Plan Support Capital Outlays	\$ (887.35)	<b>BA1100740</b>
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To decrease appropriation in response to allocation awarded to the county for Ryan White, Title I HIV/AIDS administration and planning support grant, and to properly align budget per the agency's request. There is no cash match in conjunction with this grant. The source of funding is the U.S Department of Health and Human Services.

F.	21A047 – O'Neil Invest in Children & Pos Mom Init EC720854 – O'Neil Invest in Children & Pos Mom Init Other Expenses	\$ 149,820.00	<b>BA1100631</b>
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To provide additional appropriation to the Office of Early Childhood's 2011 operating budget. This increase will be supported by donated funds from The O'Neill Foundation in the amount of \$149,820.00, for the period of August 1, 2011 through July 31, 2012. The funds will be used to support the Positively Moms Initiative, which seeks to reduce the incidence of negative family outcomes, the funds will be used to hire a consultant to work with Invest in Children to develop the intervention. This request is cost neutral to the HHS Levy Fund. The item was approved on May 31, 2011.

G.	21A048 – The Cleveland Foundation for IIC EC720862 – The Cleveland Foundation for IIC Other Expenses	\$ 700,000.00	<b>BA1100705</b>
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To provide additional appropriation to the Office of Early Childhood's 2011 operating budget. This increase will be supported by donated funds from The Cleveland Foundation in the amount of \$700,000.00, for the period of June 1, 2011 through May 31, 2012. The funds will be used for evaluation, communication and scholarships for the Universal Pre Kindergarten program. This request is cost neutral to the HHS Levy Fund. The item was approved on May 3, 2011.

H.	21A173 – Adult Drug Court Project CO753194 – Adult Drug Court Prj FY12 Personal Services	\$ 137,029.00	<b>BA1100720</b>
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To appropriate a new index code for the Adult Treatment Drug Court Project. Funds will support the continued enhancements to the Greater Cleveland Drug Court. Funding is from the Alcohol, Drug Addiction and Mental health Services Board of Cuyahoga County. The Funding period is July 1, 2011 through June 30, 2012. No cash match is required.

I.	21A176 – Treatment Capacity Expansion CO753186 – Treatment Capacity Expansion FY2012 Personal Services	\$ 171,225.00	<b>BA1100721</b>
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To appropriate a new index code for the Treatment Capacity Expansion FY2012 Grant. Funds will be used for salary and benefits expenses. Funding is from the Alcohol, Drug Addiction and Mental health Services Board of Cuyahoga County. The funding period is July 1, 2011 through June 30, 2012. No cash match is required.

J.	21A512 – CCA 408 Jail/Misdemeanant CO741421 – Pre-Sentencing Investigation Writer 2012 Personal Services	\$ 495,000.00	<b>BA1100724</b>
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This appropriations increase is establish appropriations for the above grant. This is a new FY 2012 Community Corrections Act 408 Jail Diversion Grant for Pre-Sentencing Investigators. Additional funding was awarded from the State to Cuyahoga County to perform pre-sentencing investigations that were formally carried out by the State, but whose function was deleted by State budget cuts. The grant period is from 07/01/11 through 06/30/12. The funding source is the Ohio Department of Rehabilitation and Correction and no cash match is required.

K.	40A526 - Ohio Department of Transportation (ODOT) – Local Projects Administration (LPA) CE785006 – ODOT - LPA Personal Services	\$ 161,683.00	<b>BA1100653</b>
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Appropriation is requested for the Cannon Road Bridge #140 (\$132,700.50) and the Scenic Byway Signage Project (\$28,982.50) to enable the movement of expenses from the County Engineer's overhead accounts to the capital projects. Funding for the Cannon Road Bridge #140 is 90% Federal Highway Administration dollars passed through the Ohio Department of Transportation (ODOT) and 10% from the County (\$5.00 Fund). Funding for the Scenic Byway Signage Project is 80% Federal Highway Administration dollars past through ODOT and 20% from the County (\$5.00 Fund).

L.	21A525 – VAWA Block Grant JA752600 – FY2009 VAWA Block Grant CY2010 Other Expenses	\$ (4,513.59)	<b>BA1100695</b>
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Request a reduction in appropriations in the Justice Services Family Justice Center FY2009 Violence Against Women Act (VAWA) Block Grant in preparation of grant closure. Funding is from the Ohio Department of Public Safety, Office of Criminal Justice Services covering the period January 1, 2010 through March 31, 2011.

M.	20A814 – Wireless 911 Government Assistance JA106773 – Wireless 911 Government Assistance Other Expenses Capital Outlays	\$ 50,000.00 \$ 50,000.00	<b>BA1100696</b>
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The increase in appropriations in Justice Services Wireless 911 Government Assistance is to cover pending software and equipment purchases necessary for operations. Funding is from fees assessed on each 911 phone call placed in Cuyahoga County as established under House Bill 361 dated May 1, 2005. Sufficient cash exists for this request. Funding covers the period January 1, 2011 through December 31, 2011.

N.	21A311 – TASC		<b>BA1100698</b>
	JA751230– TASC FY08		
	Other Expenses	\$	(0.43)

The decrease in appropriations in the Treatment Alternatives to Street Crime (TASC) FY08 is in preparation to close this grant. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2007 through June 30, 2008.

O.	21A418 – TASC Drug Court		<b>BA1100699</b>
	JA749028– FY2006 TASC Drug Court		
	Other Expenses	\$	(989.39)

The decrease in appropriations in the Treatment Alternatives to Street Crime (TASC) Drug Court FY06 is in preparation to close this grant. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2005 through June 30, 2006.

P.	21A418 – TASC Drug Court		<b>BA1100700</b>
	JA747048– TASC Drug Court-FY2004		
	Other Expenses	\$	(4,645.37)

The decrease in appropriations in the Treatment Alternatives to Street Crime (TASC) Drug Court FY2004 is in preparation to close this grant. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2003 through June 30, 2004.

Q.	21A418 – TASC Drug Court		<b>BA1100701</b>
	JA747055– FY2005 TASC Drug Court		
	Other Expenses	\$	(1,532.36)

The decrease in appropriations in the Treatment Alternatives to Street Crime (TASC) Drug Court FY2005 is in preparation to close this grant. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2004 through June 30, 2005.

R.	21A311 – TASC		<b>BA1100702</b>
	JA751842– TASC FY09		
	Other Expenses	\$	(7,706.00)

The decrease in appropriations in the Treatment Alternatives to Street Crime (TASC) FY09 is in preparation to close this grant. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2008 through June 30, 2009.

S.	21A311 – TASC		<b>BA1100703</b>
	JA746917– TASC FY02		
	Other Expenses	\$	(1,079.43)

The decrease in appropriations in the Treatment Alternatives to Street Crime (TASC) FY02 is in preparation to close this grant. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2001 through June 30, 2002.

T.	20A312 – Coroner’s Lab		<b>BA1100731</b>
	CR180034– Coroner’s Lab		
	Capital Outlays	\$	50,500.00

To increase appropriations in the Coroner’s Lab fund (part of the Medical Examiner) for pending purchase of computer and related equipment. 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.

U1.	01A001 - General Fund SH350579 – Sheriff Operations Personal Services	\$ (47,327.00)	<b>BA1100683</b>
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U2.	01A001 – General Fund SH350272 – Law Enforcement Other Expenses	\$ (290,000.00)	
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Request to decrease surplus appropriation to the Sheriff's Office. Following the midyear transfer of one staff from the Sheriff's Office to the Law Department, there is a surplus of \$47,327 in the Sheriff's General Fund budget. A request to increase appropriation has already been submitted to Council to support this transfer to the Law Department. Additionally, \$290,000 is being reduced from the Sheriff's General Fund budget: this appropriation was included in the original 2011 budget in error.

V.	20A630 – Home Detention Fees SH586115 – Home Detention Fees Other Expenses	\$ 38,750.00	<b>BA1100688</b>
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Request to increase appropriation to cover an increase in the contract for the home detention equipment and monitoring equipment. This fund is solely supported by probation fees.

W.	01A001 – General Fund SH350470 – Jail Operations Other Expenses	\$ 325,000.00	<b>BA1100692</b>
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Request to increase appropriation to the jail budget in the Sheriff's Office. As part of its 2011 budget reduction plan, the Sheriff agreed to increase the use of the Commissary Fund to support Correction Officer salaries; this appropriation increase was anticipated and included in the midyear review. This increase is supported by revenue receipt number 11-08359 in the amount of \$325,000, which was deposited into the General Fund on the 26<sup>th</sup> of July 2011.

A.	01A001 - General Fund CH100958 – Charter Review and Redistricting Other Expenses	\$ 50,000.00	<b>BA1100742</b>
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An appropriation request of \$50,000.00 to pay contractual expenses related to the redistricting of Cuyahoga County Council districts. The Charter of Cuyahoga County section 3.04 establishes a Council Districting Commission to prepare a detailed apportionment of the Council districts, and states that the County Executive shall provide such assistance as is required to carry out the Commission's duties. This redistricting contract would provide the Commission with population, demographic, and other data and analysis relevant to the principles for establishing district boundaries as stated in the County Charter. The Charter of Cuyahoga County section 3.04(2) requires a reapportionment at this time because a decennial Federal census was just completed.



**Resolutions: Appropriation Transfers**

A. FROM: 22S274 – Home Weatherization Assistance Program **BA1100655**  
(HWAP) American Reinvestment and Recovery Act (ARRA) 2009-2010  
DV725192 – HWAP ARRA Department of Energy (DOE) Administration 2009 -2010  
Other Expenses \$ 108,980.00

TO: 22S274 – Home Weatherization Assistance Program  
(HWAP) American Reinvestment and Recovery Act (ARRA) 2009-2010  
DV725218 – HWAP ARRA Department of Energy (DOE) Support 2009 -2010  
Other Expenses \$ 108,980.00

An appropriation transfer is requested between Home Weatherization Assistance Program (HWAP) Administration and Support to cover operating activity in Support. HWAP provides heating assistance to low-income households. Funding for this fund comes from contributions from utility companies that leverage grant funding via the American Reinvestment and Recovery Act (ARRA) from the U.S. Department of Energy dollars passed through the Cleveland Housing Network. This grant requires no County match. The grant period runs from July 2009 to March 31, 2012.

B. FROM: 21A837 – State Homeland Security (SHSG) **BA1100680**  
JA763391 – FY2008 State Homeland Security (SHSP)  
Other Expenses \$ 9,325.00

TO: 21A837 – State Homeland Security (SHSG)  
JA763391 – FY2008 State Homeland Security (SHSP)  
Capital Outlay \$ 9,325.00

To transfer appropriations within the State Homeland Security grant for pending purchases. 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 June 30, 2011.

C. FROM: 21A838 – JAG Asst Justice 05 **BA1100697**  
JA755405 – JAG Asst Justice 07  
Other Expenses \$ 54,133.76

TO: 21A838 – JAG Asst Justice 05  
JA755405 – JAG Asst Justice 07  
Capital Outlay \$ 54,133.76

To transfer appropriations within the Justice Assistance Grant for pending purchases. Funding is from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance covering the period October 1, 2006 through September 30, 2011.

D.	FROM:	01A001 – General Fund	<b>BA1100729</b>
		SH351080 – Impact Unit/Community Policing	
		Personal Services	\$ 40,000.00
	TO:	01A001 – General Fund	
		SH351080 – Impact Unit/Community Policing	
		Capital Outlays	\$ 40,000.00

To transfer appropriations within the Sheriff's Impact Unit/Community Policing unit from personnel costs since not all deputies will be hired by October 1, 2011 as originally planned and to move those funds into the capital area of the budget for the increase costs for build-out of the police cars and provide the supporting equipment such as radio's and stun guns. Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011.

E.	FROM:	01A001 – General Fund	<b>BA1100687</b>
		SH350058 - Sheriff	
		Other Expenses	\$ 515,943.00
		Capital Outlay	\$ 5,464.00
		01A001 – General Fund	
		SH350041 – Inmate Services	
		Other Expenses	\$ 488,282.00
	TO:	01A001 – General Fund	
		SH350496 - Food	
		Other Expenses	\$ 462,185.00
		01A001 – General Fund	
		SH350579 – Sheriff Operations	
		Other Expenses	\$ 53,758.00
		Capital Outlay	\$ 5,464.00
		01A001 – General Fund	
		SH350504 – Health Care	
		Other Expenses	\$ 488,282.00

Request to transfer appropriation within the Sheriff's General Fund budget. In the second half of 2010, the Sheriff authorized a complete restructuring of its budget to include new divisions that would allow for increased transparency and better reporting. There was a period of transition when expenses were posting to both the old and new budgets: this adjustment seeks to transfer appropriation from the old index codes to the new ones to support an expense adjustment so all of the 2011 expenses are reflected in the new budget.

F.	FROM:	01A001 – General Fund	<b>BA1100690</b>
		SH350579 – Sheriff Operations	
		Personal Services	\$ 1,425,000.00
	TO:	01A001 – General Fund	
		SH350470 – Jail Operations	
		Personal Services	\$ 1,425,000.00

Request to transfer appropriation within the Sheriff's General Fund budget. In the second half of 2010, the Sheriff authorized a complete restructuring of its budget to include new divisions that would allow for increased transparency and better reporting. At the time the budget was

being developed, the new structure was not yet finalized and, as a result, appropriation was budgeted in the Operations division for staff that were ultimately moved to other divisions based on their responsibilities. This transfer seeks to realign the budget based on actual expenses.

G.	FROM:	24A601 – Senior and Adult Services	<b>BA1100691</b>
		SA138354 – Management Services	
		Personal Services       \$	225,000.00
	TO:	24A601 – Senior and Adult Services	
		SA138321 – Administrative Services	
		Personal Services       \$	225,000.00

Request to transfer appropriation within the Department of Senior and Adult Services. Earlier in the year staff were transferred from the Administrative Services division to the Management Services division. They were recently transferred back to Administrative Services; this transfer seeks to realign appropriation to support the expenses associated with these staff. The Department is supported by the County’s Health and Human Services levies, the Public Assistance allocations, and fees for services.

H.	FROM:	01A001 – General Fund	<b>BA1100718</b>
		PD140053 – Public Defender	
		Personal Services       \$	20,000.00
	TO:	01A001 – General Fund	
		PD140053 – Public Defender	
		Other Expenses       \$	20,000.00

Request to transfer appropriation within the Public Defender’s Office to use a surplus in salaries to cover a projected shortfall in commodities (electricity). The surplus in salaries was the result of shifting an employee from the General Fund to the Cleveland Municipal Fund, which is supported via a contract with the City of Cleveland for the provision of indigent representation in Cleveland Municipal Court.

I.	FROM:	40A069 – Capital Project Future Debt Issue	<b>BA1100464</b>
		CC767848 – HPG Misc. Repairs	
		Capital Outlay       \$	40,000.00
	TO:	40A069 –Capital Project Future Debt Issue	
		CC767848 – HPG Misc. Repairs	
		Personal Services       \$	40,000.00

Request to transfer appropriations to cover personal services for the project. Funding is from a future debt issuance.

J.	FROM:	40M014 – Capital Project Mixed	<b>BA1100463</b>
		CC770909 – 20% County Wind Turbine Project	
		Personal Services       \$	77,000.00
	TO:	40M014 – Capital Project Mixed	
		CC770909 – 20% County Wind Turbine Project	
		Capital Outlay       \$	77,000.00

Request to transfer appropriations for the custom design Museum Exhibits for the Energy Center at the Cuyahoga County Fairgrounds. The wind turbine is a utility-scale electricity

generator producing 500,000 kWh (1.7 billion BTU) per year from clean, renewable wind energy at 12.4 mph average wind speed with the potential to save \$90,000 annually in electricity costs. Education and job training are key components of the project and an Energy Center will be constructed to educate the 500,000 annual visitors to the Cuyahoga County Fairgrounds on the benefits of renewable energy and sustainability.

The total project is estimated to cost \$2,000,000. Cuyahoga County has been awarded \$1,400,000 in grants to install the wind turbine at the Cuyahoga County Fairgrounds. Another \$200,000 in grants from the State are being pursued for the project. The County will be funding the remaining \$400,000 with proceeds from future debt to be issued for the project.

**Resolutions: Cash Transfers**

A1.	FROM:	29A390 – Health and Human Services Levy 2.9 SU513986 – Employment and Family Subsidy 2.9 Transfer Out	\$	343,941.92	<b>JT1100087</b>
	TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$	343,941.92	
A2.	FROM:	29A390 – Health and Human Services Levy 2.9 SU513986 – Employment and Family Subsidy 2.9 Transfer Out	\$	133,021.48	
	TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$	133,021.48	
A3.	FROM:	29A391 – Health and Human Services Levy 4.9 SU514430 – Employment and Family Subsidy 4.9 Transfer Out	\$	561,168.40	
	TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$	561,168.40	
A4.	FROM:	29A391 – Health and Human Services Levy 4.9 SU514430 – Employment and Family Subsidy 4.9 Transfer Out	\$	217,035.04	
	TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$	217,035.04	

In accordance with the Ohio Revised Code (ORC) Section 5101.16 the county is required to pay a share of TANF related administration (\$5,430,662) and Non-TANF (\$2,100,339) related administration for Medicaid, Food related expenditures during a calendar year. This represents 2/12 of the total required mandated share that generally is transferred to the corresponding fund on a monthly basis. This transfer is for July and August 2011. The amount is based on the current State Fiscal Year requirement. The funding source is the Health and Human Services Levy Fund.

B.	FROM:	26A651 – \$7.50 Road & Bridge Registration Tax CE417477 - \$7.50 License Tax Fund Capital Improvements Transfer Out	\$	536,473.22	<b>JT1100012</b>
	TO:	40A526 – Ohio Department of Transportation (ODOT) – Local Projects Administration (LPA) CE785006 – ODOT - LPA Revenue Transfer	\$	536,473.22	

A cash transfer is requested to close out the Cook/Stearns Road Project. The Cook Stearns Road Project was funded 38% with Federal Highway Administration dollars passed through ODOT, 40% by Issue I and 22% by the County (\$7.50 Fund).

C. FROM: 26A601 – General Gas and License Fees  
CE411058 – County Engineer Administration  
Transfer Out \$ 241,341.45

TO: 40A526 – Ohio Department of Transportation (ODOT) – Local  
Projects Administration (LPA)  
CE785006 – ODOT - LPA  
Revenue Transfer \$ 241,341.45

A cash transfer is requested to close out the Crocker/Stearns Extension Project. The Crocker / Stearns Road Project was funded up to \$8.0 million with Federal Highway Administration dollars passed through ODOT, and the balance was funded by the County and a State Infrastructure Bank loan.

D. FROM: 26A650 – \$5.00 Road Capital Improvements  
CE418053 – County Engineer \$5.00 License Tax Fund  
Transfer Out \$ 965,417.00

TO: 40A524 – Ohio Department of Public Works Integrating Committee  
(Issue I)  
CE785188 – Old Mill Road Bridge #162  
Revenue Transfer \$ 965,417.00

A cash transfer is requested to begin the Old Mill Road Bridge #162 project. The Old Mill Road Project is funded 17% with Issue I dollars and 83% by the County (\$5.00 Fund).

E. FROM: 21A311 – TASC **JT1100125**  
JA751230 – TASC FY08  
Transfer Out \$ 16,007.90

FROM: 21A311 – TASC  
JA751842 – TASC FY09  
Transfer Out \$ 73,654.61

FROM: 21A418 – TASC Drug Court  
JA751271 – FY2008 TASC Drug Court  
Transfer Out \$ 23,790.54

FROM: 21A418 – TASC Drug Court  
JA751859 – FY2009 TASC Drug Court  
Transfer Out \$ 22,201.05

TO: 20A317 – ADAMHSBCC  
MH435560 – Pass Thru Services  
Revenue Transfer \$ 135,654.10

To transfer cash as reimbursement to the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County (ADAMHSBCC) for Treatment Alternatives to Street Crimes (TASC) and TASC drug Court revenues in excess of grant expenditure for the fiscal years 2008 and 2009. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2007 through June 30, 2009.

F.	FROM:	21A311 – TASC JA746917 – TASC FY02 Transfer Out	\$ 1,079.43	<b>JR1101858</b>
	FROM:	21A418 – TASC Drug Court JA747048 – TASC Drug Court-FY2004 Transfer Out	\$ 4,645.37	
	FROM:	21A418 – TASC Drug Court JA747055 – FY2005 TASC Drug Court Transfer Out	\$ 1,532.36	
	FROM:	21A418 – TASC Drug Court JA749028 – FY2006 TASC Drug Court Transfer Out	\$ 989.39	
	FROM:	21A418 – TASC Drug Court JA751271 – FY2008 TASC Drug Court Transfer Out	\$ 825.07	
	TO:	20A099 – TASC Medicaid Funds (CO) CO456525 – TASC Medicaid Funds (CO) Revenue Transfer	\$ 9,071.62	

To transfer residual equity in multiple Treatment Alternative to Street Crime (TASC) accounts for specific fiscal years as a result of revenues applicable to the Medicaid account that was moved from Justice Affairs (now known as Justice Services) to the Common Pleas Court in 2010. Funding is from service fees generated through the TASC programs covering the period January 1, 2002 through December 31, 2008.

G.	FROM:	29A390 – Alcohol Drug Addiction Mental Health 2.9 SU514646– Alcohol Drug Addiction Mental Health Board Subsidy Transfer Out	\$ 4,201,707.00	<b>JT1100091</b>
		29A391 – Alcohol Drug Addiction Mental Health 4.8 SU514596 - Alcohol Drug Addiction Mental Health Board Subsidy Transfer Out	\$ 4,201,707.00	
	TO:	20A317 – Mental Health MH431056 – Mental Health Administrative Revenue Transfer	\$ 8,403,414.00	

This operating transfer is necessary to disburse the third quarter subsidy payment to the ADAMHS Board. The source of funding is the Health and Human Services Levy Fund.

**Recommendation for Appropriation Request**

<b>Request Description</b>	Council Districting Commission study
<b>Requesting Agency</b>	Charter Review and Redistricting
<b>Funding Source</b>	General Fund
<b>Total Impact</b>	\$50,000.00
<b>Status</b>	Recommended
<b>Agenda Date</b>	Requested meeting agenda date

**Summary of Request**

The Cuyahoga County Charter requires the Council Districting Commission to do a reapportionment following each decennial Federal census. This requested appropriation would pay contractual services for a consultant to work with the Council Districting Commission to develop and execute an appropriate Council Districting Plan.

**Background Information**

- The County Charter requires the Council to appoint members to the Council Districting Commission to perform a reapportionment in 2011 and each year following a decennial Federal census and provides principles to be used in establishing district boundaries.
- The consultant would work with the Council Districting Commission to develop a plan for apportionment and assist the Commission in carrying out the plan.
- There is not a designated agency or program budget for this purpose. This appropriation would be the first appropriation for purposes of a reapportionment of Council districts.

**OBM Recommendation and Impact Statement**

- The County Charter section 3.04(2) requires the Executive to provide assistance as needed to carry out the Commission's duties. The services to be rendered include data and analysis of population, demographic, and other information relevant to the principles for establishing district boundaries as stated in the County Charter. These services can be construed to be necessary assistance for the Commission's apportionment duties, and therefore required by the Charter.
- This request would have a General Fund impact of \$50,000.
- OBM recommends approval.



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0264

Sponsored by: <b>County Executive FitzGerald/Department of Public Works</b>	<b>A Resolution</b> amending Resolution No. R2011-0234 dated 7/26/2011, which authorized 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, by changing the time period from 6/1/2011 - 5/31/2012 to 9/1/2011 - 8/31/2013; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Public Works has requested amendment to Resolution No. R2011-0234 which authorized 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 to change the time period from 6/1/2011 - 5/31/2012 to 9/1/2011 - 8/31/2013; and,

WHEREAS, the amendment is requested to add an additional year of services, with all other terms and conditions of the RFP package remaining in effect; 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.** Resolution No. R2011-0234 which authorized 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 is hereby amended to add an additional year, by changing the time period from 6/1/2011 - 5/31/2012 to 9/1/2011 - 8/31/2013.

**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 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.

**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:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Jamal H. Husani
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Gerard Salomon	<b>Telephone No.</b>	216-698-6527
<b>SUMMARY OF REQUESTED ACTION:</b>			
Requesting authority to amend resolution R2011-0234 on RFP # 19343 for the purchase of electric services from First Energy Solutions from the period of 6/1/2011- 5/31/2012 to 9/1/2011-8/31/2013. Reason for amendment is the department wanted to add the extra year. All remaining terms and conditions of the RFP package remain in effect.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

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

**Financial Information:**

<b>Funding source:</b>	<b>Explanation:</b>
<b>Total Amount Requested:</b>	
\$	

**ATTACHMENTS:**

[Click to download](#)  
No Attachments Available

History

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0265

Sponsored by: <b>County Executive FitzGerald/Department of Development</b>	A <b>Resolution</b> authorizing a Neighborhood Stabilization Program loan in the amount not-to-exceed \$637,884.00 to Puritas Avenue Associates Limited Partnership for the Hawk's Landing Project, located at 14610 Puritas Avenue, Cleveland; authorizing the Department of Development Deputy Chief or Director to execute all documents required in connection with said loan on behalf of the County Executive; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Development has recommended the provision of a U.S. Department of Housing and Urban Development Neighborhood Stabilization Program (NSP III) loan in the amount not-to-exceed \$637,884.00 to Puritas Avenue Associates Limited Partnership for the Hawk's Landing Project, located at 14610 Puritas Avenue, Cleveland, Ohio; and,

WHEREAS, on March 3, 2011 the U. S. Department of Housing and Urban Development awarded Cuyahoga County \$2,551,533 in Neighborhood Stabilization Program III funding to be used in the provision of a strategic approach to revitalization of neighborhoods; and,

WHEREAS, Congress set strict limits on the activities that can be funded with this one-time assistance and required that at least 25% of the funds be used for the acquisition and redevelopment of foreclosed residential properties that will be used to provide permanent housing for households whose incomes do not exceed 50 percent of area median income; and,

WHEREAS, the Department of Development issued an informal request for proposals from communities, developers and non-profit organizations to propose projects, located in eligible communities, for this funding; and,

WHEREAS, the Puritas Avenue Associates Limited Partnership in association with The Finch Group submitted an application indicative of the intent to substantially rehabilitate the foreclosed property currently known as Hawk's Landing located at 14610 Puritas Avenue in the City of Cleveland. The property, located in Cleveland's Bellaire-Puritas neighborhood, is according to the City of Cleveland, the most destabilizing influence in the area; and,

WHEREAS, the 144 unit project contained in 6 buildings (24 units each) will cost \$12,035,700 to substantially rehabilitate. The rehabilitation of the project has the written support of the City of Cleveland Department of Community Development, City Council President Martin Sweeney and the Bellaire-Puritas Development Corporation; and,

WHEREAS; the Department of Development has further requested the authority for the Department of Development Deputy Chief or Department of Development Director to execute all documents required in connection with said loan on behalf of the County Executive.

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

**SECTION 1.** That the County Council hereby approves of, and the authorizes a Neighborhood Stabilization Program (NSP III) loan in the amount not-to-exceed \$637,884.00 to Puritas Avenue Associates Limited Partnership for the Hawk's Landing Project, located at 14610 Puritas Avenue, Cleveland, Ohio, and further authorizes the Department of Development Deputy Chief or Department of Development Director to execute all documents required in connection with said loan on behalf of the County Executive.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue the usual and daily operation of the County, and to confirm all of the multiple funding sources for this project without delay, so the project financing can be finalized and exterior repairs can begin while weather conditions remain favorable. 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:  
Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011



**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Development	<b>Agency/Dept. Head Name:</b>	Larry Benders, Director
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**Type of Request:**

<b>Request Prepared by:</b>	Sara Parks Jackson	<b>Telephone No.</b>	216-443-8160
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**SUMMARY OF REQUESTED ACTION:**

Recommending a U.S. Department of Housing and Urban Development Neighborhood Stabilization Program III (NSP III) loan to The Finch Group in the amount not-to-exceed \$637,884.00 for the project known as Hawk's Landing located at 14610 Puritas Avenue, Cleveland, Ohio to be effective immediately; requesting authority for the Deputy Chief or the Director of Development to execute all documents required in connection with said loan.

**PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):**

On March 3, 2011 the U. S. Department of Housing and Urban Development awarded Cuyahoga County \$2,551,533 in Neighborhood Stabilization Program III funding. These funds are to be used in the provision of a strategic approach to revitalization of neighborhoods. Congress again set strict limits on the activities that can be funded with this one-time assistance and required that at least 25% of the funds be used for the acquisition and redevelopment of foreclosed residential properties that will be used to provide permanent housing for households whose incomes do not exceed 50 percent of area median income.

The Department of Development issued an informal request for proposals from communities, developers and non-profit organizations to propose projects, located in eligible communities, for this funding. The Puritas Avenue Associates Limited Partnership in association with The Finch Group submitted an application indicative of the intent to substantially rehabilitate the foreclosed property currently known as Hawk's Landing located at 14610 Puritas Avenue in the City of Cleveland.

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. The rehabilitation of the project has the written support of the City of Cleveland Department of Community Development, City Council President Martin Sweeney and the Bellaire-Puritas Development Corporation.

The developers have also requested Cuyahoga County issue multifamily housing revenue bonds in an amount not to exceed \$6,000,000.00 in support of the project.

Developer: Wes Finch, President  
The Finch Group

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

Other

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

**Financial Information:**

**Funding source: Explanation:**

Federal U. S. Department of HUD Neighborhood Stabilization Program III  
funding

**Total Amount Requested:**

\$637,884.00

**ATTACHMENTS:**

[Click to download](#)

No Attachments Available

**History**

**Time**

**Who**

**Approval**

Clerk of the Board

[Click here to download attachments](#)



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0266

Sponsored by: <b>County Executive FitzGerald/Department of Justice Affairs</b>	<b>A Resolution</b> authorizing the County Executive to enter into an amendment to Agreement No. AG0900007-01 with City of Cleveland for an Automated Fingerprint Identification System and Mobile Data Needs Assessment for Ohio Homeland Security Region 2 in connection with the FY2007 Law Enforcement Terrorism Prevention Program for the period 7/1/2007 - 3/1/2010 to extend the time period to 12/30/2010 and for additional funds in the amount of \$730,408.94, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Justice Services has submitted a request for an amendment to Agreement No. 0900007-01 with the City of Cleveland for an Automated Fingerprint Identification System and Mobile Data Needs Assessment for Ohio Homeland Security Region 2 in connection with the FY2007 Law Enforcement Terrorism Prevention Program for the period 7/1/2007-2/1/2010 in order to extend the time period to 12/30/2010 and for additional funds in the amount of \$730,408.94; and,

WHEREAS, extending the time period and increasing the amount of funds will allow the amount of time necessary to procure, receive, and pay for equipment allocated on this grant including Mobile ID Terminals, Stationary Rapid ID Terminal Scanner & Software, Latent Input/Analysis Workstation Camera & foray tools, and LiveScan with Palm Print; and,

WHEREAS, previously, on November 10, 2010, Resolution No. 105069, the BOCC approved the *preparation* of an amendment to Agreement No. AG0900007-01, to extend the time frame and allowing additional funds, but this amendment was not completed under the former County government structure; and,

**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 Agreement No. AG0900007-01 with City of Cleveland for an Automated Fingerprint Identification System and Mobile Data Needs Assessment for Ohio Homeland Security Region 2 in connection with the FY2007 Law Enforcement

Terrorism Prevention Program for the period 7/1/2007 - 3/1/2010 in order to extend the time period to 12/30/2010 and for additional funds in the amount of \$730,408.94.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can 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.

**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:**

<b>Agency/Dept. Name:</b>	Department of Justice Affairs	<b>Agency/Dept. Head Name:</b>	Norberto Colon
<b>Type of Request:</b>	Agreement/Amendment		
<b>Request Prepared by:</b>	Paula L. Young (Jerry M. Mullins 216-698-6462)	<b>Telephone No.:</b>	216-698-6462

**SUMMARY OF REQUESTED ACTION:**

Justice Services, submitting an amendment to Agreement No. 0900007-01 with the City of Cleveland for an Automated Fingerprint Identification System and Mobile Data Needs Assessment for Ohio Homeland Security Region 2 in connection with the FY2007 Law Enforcement Terrorism Prevention Program for the period 7/1/2007 - 2/1/2010 to extend the time period to 12/31/2010 and for additional funds in the amount of \$730,408.94.

**PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):**

Extending the time period and increasing the amount of funds will allow the amount of time necessary to procure, receive, and pay for equipment allocated on this grant including Mobile ID Terminals, Stationary Rapid ID Terminal Scanner & Software, Latent Input/Analysis Workstation Camera & foray tools, and LiveScan with Palm Print

**FY07 Law Enforcement Terrorism Prevention Program (LETPP) Grant History:**

On April 16, 2009, resolution 091466, the BOCC approved an award for the City of Cleveland in the amount of \$50,000 in connection with the FY 2007 Law Enforcement and Terrorism Prevention Program for the program period 7/1/2007-2/1/2010.

On November 19, 2009, resolution 094870, the BOCC approved the preparation of Amendment AG0900007-01 for the period July 1, 2007 through February 1, 2010, to extend the time period to March 2, 2010, and for additional funds in the amount not-to-exceed \$711,671.23. **PLEASE NOTE: Although authority was given to submit this amendmended agreement it was never submitted.**

On November 10, 2010, resolution 105069, the BOCC approved an action amending resolution no. 094870 by changing the extension of the time period from March 1, 2010 to Decemeber 31, 2010, and by changing the amount of the additional funds from \$711,671.23 to \$730,408.94.

This request is consistent with that approval.

**Explanation for late submittal:**

Working with Cuyahoga County Prosecutor's Office to determine the proper path of approval for amended agreement; please see attached Prosecutor opinion.

**Contract/Agreement Information:**

**Procurement Method:**

Exempt from Competitive Bid Requirements

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

Assessment done and equipment purchased in connection with the assessment.

**Financial Information:**

**Funding source:**

Federal

**Explanation:**

Department of Homeland Security through the Ohio Emergency Management Agency

**Total Amount Requested:**

\$730,408.94

**ATTACHMENTS:**

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- [WARNING-CONFIDENTIAL](#)
- [Agreement Signed by City](#)
- [W-9](#)
- [Auditors Findings](#)
- [Prosecutor Opinion](#)
- [Local Guidance](#)
- [Contract evaluation](#)
- [Yellow Back](#)
- [Voucher](#)

**History**

Time	Who	Approval
8/2/2011 2:40 PM	Clerk of the Board	Yes
8/3/2011 8:39 AM	County Auditor	Yes
	County Prosecutor Civil	

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0267

Sponsored by: <b>County Executive FitzGerald/Department of Justice Affairs</b>	<b>A Resolution</b> authorizing the County Executive to enter into an agreement with City of Cleveland in the amount not-to-exceed \$630,558.75 for reimbursement of eligible expenses in connection with the FY2009 State Homeland Security Program-Law Enforcement for the period 8/1/2009 - 4/30/2012.
--	---

WHEREAS, Justice Services has submitted a request for the County to enter into an agreement with City of Cleveland in the amount not-to-exceed \$630,558.75 for reimbursement of eligible expenses in connection with the FY2009 State Homeland Security Program - Law Enforcement for the period 8/1/2009 - 4/30/2012; and,

WHEREAS, the State Homeland Security Program – Law Enforcement provides for funding for Planning, Equipment, Training, and Personnel costs focusing on providing resources to law enforcement and public safety communities to support critical terrorism prevention activities; and,

WHEREAS, the funding source for this agreement comes through the Department of Homeland Security, Ohio Emergency Management Agency.

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

**SECTION 1.** That the County Council hereby authorizes the County Executive to enter into an agreement with the City of Cleveland in the amount not-to-exceed \$630,558.75 for reimbursement of eligible expenses in connection with the FY2009 State Homeland Security Program - Law Enforcement for the period 8/1/2009 - 4/30/2012.

**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:**

<b>Agency/Dept. Name:</b>	Department of Justice Affairs	<b>Agency/Dept. Head Name:</b>	Norberto Colon
<b>Type of Request:</b>	Agreement/Amendment		
<b>Request Prepared by:</b>	Paula L. Young (Jerry M. Mullins 216-698-6462)	<b>Telephone No.</b>	216-698-6462
<b>SUMMARY OF REQUESTED ACTION:</b>			
Justice Services, submitting an agreement with the City of Cleveland in the amount not-to-exceed \$630,558.76 for the FY2009 State Homeland Security Program-Law Enforcement for the period 8/1/2009-4/30/2012.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
The State Homeland Security Program-Law Enforcement provides funding for Planning, Equipment, Training, and Personnel costs focusing on providing resources to law enforcement and public safety communities (working with their private partners) to support critical terrorism prevention activities.			
The State Homeland Security Program-Law Enforcement began in FY2008. Previously this award was known as the Law Enforcement Terrorism Prevention Program. Previous amounts awarded:			
FY 2006 LETPP Northern Border Initiative \$32,000			
FY 2007 LETPP Northern Border Initiative \$38,000			
FY 2007 LETPP \$1,290,872.69			
FY2008 SHSP-LE \$930,155.82			
<b>Explanation for late submittal:</b>			
N/A. Performance period of grant program does not expire until April 30, 2012.			

**Contract/Agreement Information:**

--

**Procurement Method:**

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

**Financial Information:**

**Funding source:    Explanation:**

Federal                      Department of Homeland Security funding through the Ohio  
Emergency Management Agency

**Total Amount Requested:**

\$630,558.76

**ATTACHMENTS:**

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- [Warning Confidential](#)
- [Agreement Signed by Cleveland](#)
- [Auditors Findings](#)
- [Cleveland W-9](#)
- [Cleveland Yellow Back](#)
- [Local Guidance](#)
- [Monthly Reporting Form](#)
- [Evaluation](#)
- [History](#)

**History**

**Time**

**Who**

Clerk of the Board

**Approval**



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0247

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer and Councilmember Miller</b>	<b>A Resolution</b> declaring that public convenience and welfare requires repair and resurfacing of Madison Avenue from Riverside Drive to West 117 <sup>th</sup> 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.
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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 \$2,350,000.00 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.



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0248

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> 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.
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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: August 9, 2011

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC003  
August 23, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0249

<p>Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer and Councilmember Schron</b></p>	<p>A <b>Resolution</b> 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.</p>
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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: August 9, 2011  
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: August 9, 2011

Journal CC003  
August 23, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0250

<p>Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer and Councilmember Schron</b></p>	<p><b>A Resolution</b> 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.</p>
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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





# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0251

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> 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.
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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: August 9, 2011

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC003  
August 23, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0252

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> 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.
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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: August 9, 2011  
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC003  
August 23, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0253

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer and Councilmember Germana</b>	<b>A Resolution</b> 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.
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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: August 9, 2011

Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: August 9, 2011

Journal CC003

August 23, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0254

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	A <b>Resolution</b> 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.
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**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

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Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: August 9, 2011  
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC003  
August 23, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0255

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	A <b>Resolution</b> 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.
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**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.



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0256

Sponsored by: <b>County Executive FitzGerald/ Department of Development</b>	A <b>Resolution</b> 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 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 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 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



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 13.** A public hearing of this Council shall be held at a time and place to be properly noticed, for the purpose of hearing objections and/or public comment on the issuance of said 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 action were in meetings open to the public, in compliance with all legal requirements including Section 121.22, Ohio Revised Code.

**SECTION 15. Effective Date.** This Resolution shall be in full force and effect immediately upon the signature of the County Executive, provided this Resolution receives the affirmative vote of eight members of Council. It is hereby determined to be necessary that this Resolution become immediately effective in order that the project may proceed in a timely manner.

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: August 9, 2011  
Committee(s) Assigned: Economic Development & Planning

Journal CC003  
August 23, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0257

<p>Sponsored by: <b>County Executive FitzGerald/ Department of Development and Councilmember Rogers</b></p>	<p><b>A Resolution</b> 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.</p>
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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-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. 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



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0258

Sponsored by: <b>County Executive FitzGerald/Department of Development/Airport Division</b>	<b>A Resolution</b> 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.
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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



# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0043

<b>Sponsored by: County Executive FitzGerald/Human Resource Commission</b>	<b>An Ordinance</b> providing for adoption of the Cuyahoga County Civil Service Pay Equity Plan, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 9.01 of the Charter of Cuyahoga County states that the Human Resource Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service according to merit and fitness (the "Civil Service System"); and,

WHEREAS, Section 9.02 of the Charter of Cuyahoga County states that the Human Resource Commission shall have authority to ensure pay equity for like positions; and,

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, the County's current Civil Service System is codified in Chapter 124 of the Ohio Revised Code, Chapter 123:1 of the Ohio Administrative Code, the Cuyahoga County Administrative Rules and the Policies and Procedures Manual; and,

WHEREAS, Section 2.10 of the Cuyahoga County Personnel Policies and Procedures Manual (Ordinance Nos. O2011-0015 and O2011-0028) states that the employment of all classified County employees is subject to the provisions of the Ohio Revised Code (Chapter 124), the Ohio Administrative Code (Chapter 123:1), the Cuyahoga County Administrative Rules and the Policies and Procedures Manual; and,

WHEREAS, Section 301.23 of the Ohio Revised Code authorizes a charter-created county civil service commission to create a new system for employment with the county on the basis of merit and fitness, as ascertained by competitive examination; and,

WHEREAS, on August 17, 2011, the Human Resource Commission adopted a motion recommending certain amendments to the County's current Civil Service

System as codified in Chapter 124 of the Ohio Revised Code, Chapter 123:1 of the Ohio Administrative Code, the Cuyahoga County Administrative Rules and the Policies and Procedures Manual (the “Cuyahoga County Civil Service Pay Equity Plan”); and,

WHEREAS, the amendments proposed by the Human Resource Commission are designed to create pay equity for County employees performing similar duties; 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 County’s current Civil Service System as codified in Chapter 124 of the Ohio Revised Code, Chapter 123:1 of the Ohio Administrative Code, the Cuyahoga County Administrative Rules and the Policies and Procedures Manual (the “Cuyahoga County Civil Service Pay Equity Plan”) (added language underlined; deleted language in ~~strikethrough~~; sub-sections that are either deleted or remain in their entirety are noted in *italics* and parenthesis):

**The Cuyahoga County Pay Equity Plan**

A. OHIO REVISED CODE: The following sections of Chapter 124 of the Ohio Revised Code are hereby amended as they apply to County employees. All sections in Chapter 124 that are not specifically identified in bold below remain in full effect in their entirety.

**124.14 - Job Classification - Pay Ranges.**

(A)(1) The Director of Human Resources shall establish, and may modify or rescind, subject to approval by the Human Resource Commission, the County Executive, and County Council, a job classification plan in accordance with the requirements of Section 9.04 of the Cuyahoga County Charter. The Director shall group jobs within a classification so that the positions are similar enough in duties and responsibilities to be described by the same title, to have the same pay assigned with equity, and to have the same qualifications for selection applied. The Director shall assign a classification title to each classification within the classification plan. However, the Director shall consider in establishing classifications, including classifications with parenthetical titles, and assigning pay ranges such factors as duties performed only on one shift, special skills in short supply in the labor market, recruitment problems, separation rates, comparative salary rates, the amount of training required, and other conditions affecting employment. The Director shall describe the duties and responsibilities of the class, and establish the qualifications for being employed in each position in the class.



The Director shall assign each classification to an equitable pay range.

(2) The Director may reassign to a proper classification those positions and/or employees that have been assigned to an improper classification. The Director may also assign a proper classification to a County employee who qualifies for classification but has not previously been assigned to one. If a reassignment or new assignment occurs, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification.

(3) *(Deleted in its entirety)*

(4) The Director shall, subject to approval by the Human Resource Commission, the County Executive, and County Council, assign related classifications, which form a career progression, to a classification series. The Director shall, subject to approval by the Human Resource Commission, the County Executive and County Council, assign each classification in the classification plan a five-digit number, the first four digits of which shall denote the classification series to which the classification is assigned. When a career progression encompasses more than ten classifications, the Director shall, subject to approval by the Human Resource Commission, the County Executive and County Council, identify the additional classifications belonging to a classification series. The additional classifications shall be part of the classification series, notwithstanding the fact that the first four digits of the number assigned to the additional classifications do not correspond to the first four digits of the numbers assigned to other classifications in the classification series.

(5) *(Deleted in its entirety)*

(B) Division (A) of this section only applies to those positions identified in Section 9.03 of the Charter. (1) *(Deleted in its entirety)*

(2) *(Deleted in its entirety)*

(3) *(Deleted in its entirety)*

(4) *(Deleted in its entirety)*

(5) *(Deleted in its entirety)*

(C) *(Retained in its entirety)*

(D)(1) When the Director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the Director shall send written notice of the proposed rule to the Human Resource Commission. The Human Resource Commission shall review the proposed action in an open meeting. If the Human Resource Commission approves of the proposed action, it shall submit the proposed action to County Council.

(2) When the Director proposes to reassign any employee or reclassify any position so that an employee is adversely affected, the Director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range and step, and salary. If the reclassification results in a reduction in salary, the employee shall be offered an opportunity to meet with the Director or designee to dispute the proposed change. Subsequent to this meeting, or the employee's waiver of this meeting, the Director shall provide the employee written notice of the final decision regarding the proposed reduction. The employee may then file an appeal of the Director's final decision to the Human Resource Commission in accordance with the process described below.

Upon the request of any classified employee who is not serving in a probationary period, the Director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The Director shall give to the employee affected and to the employee's appointing authority a written notice of the Director's determination whether or not to reclassify the position or to reassign the employee to another classification. An employee desiring a hearing shall file a written request for the hearing with the Human Resource Commission within the timeframe as set forth in the Human Resource Commission's Rules. The Commission shall set the matter for a hearing and notify the employee and appointing authority of the time and place of the hearing. The employee, the appointing authority, or any authorized representative of the employee who wishes to submit facts for the consideration of the board shall be afforded reasonable opportunity to do so. After the hearing, the Commission shall consider anew the reclassification and may order the reclassification of the employee and require the Director to assign the employee to such appropriate classification as the facts and evidence warrant. As provided in division (A)(1) of section 124.03 of the Revised Code, the Commission may determine the most appropriate classification for the position of any employee coming before the board, with or without a job audit. The Commission shall disallow any reclassification or reassignment classification of any employee when it finds that changes have been made in the duties and responsibilities of any particular employee for political, religious, or other unjust reasons.

(E) *(Deleted in its entirety)*

(F) *(Deleted in its entirety)*

(G) *(Retained in its entirety)*

(H) *(Deleted in its entirety)*

(I) The Director shall set the rate of compensation for all intermittent, seasonal, temporary, emergency, and casual employees in the service of the County who are not considered public employees under section 4117.01 of the Revised Code.

#### **124.34 - Reduction in Pay or Position - Suspension - Removal.**

(A) The tenure of every officer or employee in the classified service of the state and the counties, civil service townships, cities, city health districts, general health districts, and city school districts of the state, holding a position under this chapter, shall be during good behavior and efficient service. No officer or employee shall be reduced in pay or position, fined, suspended, or removed except as provided in section 124.32 of the Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the officer's or employee's appointing authority, violation of this chapter or the rules of the director of administrative services or the commission, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. The denial of a one-time pay supplement or a bonus to an officer or employee is not a reduction in pay for purposes of this section.

This section does not apply to any modifications or reductions in pay authorized by division (A)(2) of Section 124.14, division (O) of section 124.181 or section 124.392 or 124.393 of the Revised Code.

An appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. The disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under section 102.06 of the Revised Code constitute a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code may constitute grounds for dismissal. Failure to file a statement or falsely filing a statement required by section 102.02 of the Revised Code may also constitute grounds for dismissal. The tenure of an employee in the career professional service of the department of transportation is subject to section 5501.20 of the Revised Code.

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An officer or employee may not appeal to the state personnel board of review or the commission any disciplinary action taken by an appointing authority as a result of the officer's or employee's conviction of a felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

A person convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of the conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the officer or employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused sick, personal, and vacation leave as authorized by law. If subsequently reemployed in the public sector, the person shall qualify for and accrue these forms of leave in the manner specified by law for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.

As used in this division, "felony" means any of the following:

- (1) A felony that is an offense of violence as defined in section 2901.01 of the Revised Code;
- (2) A felony that is a felony drug abuse offense as defined in section 2925.01 of the Revised Code;
- (3) A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
- (4) A felony involving dishonesty, fraud, or theft;
- (5) A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.

(B) In case of a reduction, a suspension of more than forty work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of more than twenty-four work hours in the case of an employee required to be paid overtime compensation, a fine of more than forty hours' pay in the case of an employee exempt from the payment of overtime compensation, a fine of more than twenty-four hours' pay in the case of an employee required to be paid overtime compensation, or removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action.

An employee may appeal such order in accordance with the Rules set forth by the Human Resource Commission. If an appeal is filed, the Human Resource Commission shall forthwith notify the appointing authority and shall hear, or appoint a hearing officer to hear, the appeal. The Human Resource Commission may affirm, disaffirm, or modify the judgment of the appointing authority. However, in an appeal

of a removal order based upon a violation of a last chance agreement, the Human Resource Commission may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority.

Either the employee or the appointing authority may appeal the decision of the Human Resource Commission to the Cuyahoga County Court of Common Pleas in accordance with general law.(C) *(Deleted in its entirety)*

(D) A violation of division (A)(7) of section 2907.03 of the Revised Code is grounds for termination of employment of a nonteaching employee under this section.

(E) As used in this section, “last chance agreement” means an agreement signed by both an appointing authority and an officer or employee of the appointing authority that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal of the officer or employee without the right of appeal to the state personnel board of review or the appropriate commission.

B. OHIO ADMINISTRATIVE CODE - The following section of Chapter 123:1 of the Ohio Administrative Code is hereby amended as it applies to County employees. All sections in Chapter 123:1 that are not specifically identified in bold below remain in full effect in their entirety.

**123:1-7-22 – Reassignments by the Director of Human Resources**

The Director may reassign to a proper classification those positions and/or employees that have been assigned to an improper classification. The Director may also assign a proper classification to a County employee who qualifies for classification but has not previously been assigned to one. If a reassignment or new assignment occurs, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee’s relative skill level, education and experience as compared to the employees currently existing in the classification. Such placement may result in the employee maintaining their current salary, or may result in an increase or reduction in salary.

If the reclassification results in a reduction in salary, the employee shall be offered an opportunity to meet with the Director or designee to dispute the proposed change. Subsequent to this meeting, or the employee’s waiver of this meeting, the Director shall provide the employee written notice of the final decision regarding the proposed reduction. The employee may then file an appeal of the Director’s final decision to the Human Resource Commission in accordance with the Commission’s rules.

(B) *(Deleted in its entirety)*

(C) *(Deleted in its entirety)*

C. CUYAHOGA COUNTY ADMINISTRATIVE RULES - The following section of the Cuyahoga County Administrative Rules is hereby amended. All sections in the Cuyahoga County Administrative Rules that are not specifically identified in bold below remain in full effect in their entirety.

**Rule No. 3 – Position Audits**

The Director of Human Resources may initiate a position audit and reassign to a proper classification those positions and/or employees that have been assigned to an improper classification. The Director may also assign a proper classification to a County employee who qualifies for classification but has not previously been assigned to one.

Non-probationary, non-bargaining, classified employees who believe that their duties have changed significantly and feel that their classification is no longer appropriate may request a position audit. An employee wishing to initiate a position audit shall submit their request in writing to the Director of Human Resources. Upon receipt of the employee's request, or upon request of the Director of Human Resources, Human Resources shall forward a Comprehensive Position Questionnaire (CPQ) to the employee for completion. The CPQ will be accompanied by a cover letter and instructions for completing the CPQ. The cover letter will also be sent to the employee's Department Director.

The employee shall return the completed CPQ forms to Human Resources within thirty (30) days of receipt. The employee may request in writing to the Director of Human Resources a **onetime** extension of time in which to complete the CPQ. The deadline, however, may not be extended beyond thirty (30) days after the original due date.

Human Resources will review all submitted information and will make a determination as to the appropriate classification. To meet the classification criteria, an employee must perform the mandatory duties stated in the classification function at least 20% of the time. Prior to rendering a decision on the position audit request, Human Resources reserves the right to conduct an on-site audit. Upon completion of their review, Human Resources will provide written notice of the position audit to the employee with a copy to the Department Director. If the reclassification results in a reduction in salary, the employee shall be offered an opportunity to meet with the Director or designee to dispute the proposed change. Subsequent to this meeting, or the employee's waiver of this meeting, the Director shall provide the employee written notice of the final decision regarding the proposed reduction.

The employee has the right to appeal the decision rendered by Human Resources. This must be done in writing to the Cuyahoga County Human Resources Commission (HRC) within the time frame set forth in the Human Resource Commission's Rules

If a reassignment or new assignment occurs, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification.

Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification.

If the position audit results in no change in the employee's classification, but a change in the pay range assignment of the classification, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification.

If the position audit results in the employee receiving a higher salary, any salary adjustment will be computed retroactive to the beginning of the first pay period following the date that the written request for the position audit was received by Human Resources. If the position audit results in the employee receiving a lower salary, any salary adjustment will begin the first day of the first pay period following the date of the final decision by the Director of Human Resources. If the position audit results in the creation of a new classification and/or pay range, any salary adjustment will be effective the first pay period following approval of the new classification and/or pay range by the County (i.e., not retroactive)

If, after conducting a position audit on an employee, Human Resources becomes aware of similarly situated employees, it will reassign the other employees, effective the beginning of the first pay period following the date that the decision was rendered on behalf of the employee that had requested the audit. For purposes of this section, a "similarly situated employee" is an employee that performs the same essential job functions and responsibilities as the audited employee. Similarly situated employees will not be entitled to retroactive pay increases.

**D. CUYAHOGA COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL** - The following section the Cuyahoga County Personnel Policies and Procedures Manual is hereby amended. All sections in the Cuyahoga County Personnel Policies and Procedures Manual that are not specifically identified in bold below remain in full effect in their entirety.

#### **Section 5.09 – Non-Bargaining Position Audits**

The Director of Human Resources may initiate a position audit and reassign to a proper classification those positions and/or employees that have been assigned to an improper classification. The Director may also assign a proper classification to a County employee who qualifies for classification but has not previously been assigned to one.

Non-probationary, non-bargaining, classified employees who believe that their duties have changed significantly and feel that their classification is no longer appropriate may request a position audit.

An employee wishing to initiate a position audit shall submit their request in writing to the Director of Human Resources. Upon receipt of the employee's request, or upon request of the Director of Human Resources, Human Resources shall forward a Comprehensive Position Questionnaire (CPQ) to the employee for completion. The CPQ will be accompanied by a cover letter and instructions for completing the CPQ. The cover letter will also be sent to the employee's Department Director.

The employee shall return the completed CPQ forms to Human Resources within thirty (30) days of receipt. The employee may request in writing to the Director of Human Resources a **onetime** extension of time in which to complete the CPQ. The deadline, however, may not be extended beyond thirty (30) days after the original due date.

Human Resources will review all submitted information and will make a determination as to the appropriate classification. To meet the classification criteria, an employee must perform the mandatory duties stated in the classification function at least 20% of the time. Prior to rendering a decision on the position audit request, Human Resources reserves the right to conduct an on-site audit. Upon completion of their review, Human Resources will provide written notice of the position audit to the employee with a copy to the Department Director. If the reclassification results in a reduction in salary, the employee shall be offered an opportunity to meet with the Director or designee to dispute the proposed change. Subsequent to this meeting, or the employee's waiver of this meeting, the Director shall provide the employee written notice of the final decision regarding the proposed reduction.

The employee has the right to appeal the decision rendered by Human Resources. This must be done in writing to the Cuyahoga County Human Resource Commission (HRC) within the time frame set forth in the Human Resource Commission's Rules.

**NOTE:** Employees may lose their appeal rights if their own negligence caused them to fail to receive the position audit decision from Human Resources (i.e., failure to list correct mailing address on Request for Position Audit Form or failure to sign for the certified letter).

If a reassignment or new assignment occurs, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification.

If the position audit results in no change in the employee's classification, but a change in the pay range assignment of the classification, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification.



If the position audit results in the employee receiving a higher salary, any salary adjustment will be computed retroactive to the beginning of the first pay period following the date that the written request for the position audit was received by Human Resources. If the position audit results in the employee receiving a lower salary, any salary adjustment will begin the first day of the first pay period following the date of the final decision by the Director of Human Resources. If the position audit results in the creation of a new classification and/or pay range, any salary adjustment will be effective the first pay period following approval of the new classification and/or pay range by the County (i.e., not retroactive).

If, after conducting a position audit on an employee, Human Resources becomes aware of similarly situated employees, it will reassign the other employees, effective the beginning of the first pay period following the date that the decision was rendered on behalf of the employee that had requested the audit. For purposes of this section, a “similarly situated employee” is an employee that performs the same essential job functions and responsibilities as the audited employee. Similarly situated employees will not be entitled to retroactive pay increases.

An employee may not request a position audit more than once in a twelve-month (12) rolling period unless documentation acceptable to the Director of Human Resources is provided at the time of the second request that the job has substantially changed since the date of the completion of the previous audit.

An employee who has received a classification change pursuant to this Section is not required to serve a new probationary period.

<p><b>NOTE:</b> Bargaining unit employees should refer to their collective bargaining agreement for information on position audits.</p>
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**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 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:

Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0034

Sponsored by: <b>County Executive FitzGerald/Human Resource Commission</b>	<b>An Ordinance</b> providing for adoption of administrative rules for the Cuyahoga County Human Resource Commission, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article IX of the Charter of Cuyahoga County creates a Human Resource Commission consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations; and,

WHEREAS, the Human Resource Commission has determined that it will require the adoption of administrative rules to govern its official activities; and,

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, it is necessary that this Ordinance become immediately effective due to the fact that civil service appeals for several employees are being held in abeyance until such time that the Human Resource Commission is operative and in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a county commission.

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

**SECTION 1.** Council hereby adopts the Human Resource Commission Administrative Rules attached as Exhibit A to this Ordinance as the administrative rules for the Cuyahoga County Human Resource Commission.

**SECTION 2.** It is necessary that this Ordinance become immediately effective due to the fact that civil service appeals for several employees are being held in abeyance until such time that the Human Resource Commission is operative and in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a county commission. 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 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 Assigned: Human Resources, Appointments & Equity

Second Reading: August 23, 2011

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0038

Sponsored by: <b>County Executive FitzGerald/Human Resource Commission</b>	<b>An Ordinance</b> providing for adoption of various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Ordinance become immediately effective.
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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 (Ordinance Nos. 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 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: August 9, 2011

Committee(s) Assigned: Human Resources, Appointments & Equity

Second Reading: August 23, 2011

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011