



**AGENDA**  
**CUYAHOGA COUNTY COUNCIL SPECIAL MEETING**  
**MONDAY, AUGUST 29, 2011**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**4:00 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 23, 2011 Regular Meeting
- 7. MESSAGES FROM THE COUNTY EXECUTIVE**
- 8. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**
  - a) M2011-0044: A Motion confirming the County Executive's appointment of Richard W. Sensenbrenner upon his taking the oath of office as the Treasurer of Cuyahoga County, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Committee Assignment and Chair: Committee of the Whole – Connally

**9. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

- a) R2011-0268: A Resolution fixing sewer maintenance and/or sewerage treatment rates for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24 and for the City of Pepper Pike, in accordance with Ohio Revised Code Chapter 6117; and declaring the necessity that this Resolution become immediately effective.

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

- b) R2011-0269: A Resolution approving and confirming the 2012 sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24 and for the City of Pepper Pike, in accordance with Ohio Revised Code Chapter 6117; and declaring the necessity that this Resolution become immediately effective.

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

- c) R2011-0270: A Resolution determining and declaring that the County's engagement in the effort to maximize voter participation and voting by mail is a public purpose and authorizing the County Executive to undertake all acts necessary to engage the County in the effort to maximize voter participation and voting by mail, and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Connally, Brady, Jones, Simon, Rogers, Conwell and Gallagher

- d) R2011-0271: 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.

Sponsors: County Executive FitzGerald/Office of Budget & Management

**10. CONSIDERATION OF AN ORDINANCE FOR FIRST READING AND REFERRAL TO COMMITTEE UNDER SUSPENSION OF RULES**

- a) O2011-0044: An Ordinance amending Ordinance No. O2011-0014, as amended in Ordinance Nos. O2011-0030 and O2011-0033, which

enacted a Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Miller and Jones

#### **11. MISCELLANEOUS COMMITTEE REPORTS**

#### **12. MISCELLANEOUS BUSINESS**

- a) Mr. Marcus Glover, General Manager, Horseshoe Casino Cleveland, will address Council regarding the Casino's upcoming hiring program/process.

#### **13. PUBLIC COMMENT UNRELATED TO AGENDA**

#### **14. ADJOURNMENT**

#### NEXT MEETINGS

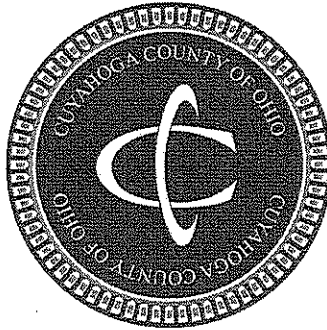
#### COUNCIL WORK SESSION:

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 23, 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 6:03 p.m.**

### **2. ROLL CALL**

**Council President Connally asked the Clerk to call the roll. Councilmembers Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers 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 requested there be a moment of silent meditation.**

### **5. PUBLIC COMMENT RELATED TO AGENDA**

**No public comments were given.**

### **6. APPROVAL OF MINUTES**

- a) August 9, 2011 Meeting

**A motion was made by Ms. Conwell, seconded by Mr. Schron and approved by unanimous vote to approve the minutes of the August 9, 2011 meeting.**

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) Thanked Council for their consideration of Richard Sensenbrenner as County Treasurer and for expediting the confirmation process;
- b) Discussed a Directive issued by the Ohio Secretary of State Jon Husted which now prohibits Boards of Elections from mailing unsolicited absentee ballot request forms to all registered voters in the county. He is researching a solution to continue the program in Cuyahoga County.

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. M2011-0043.

- 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

On a motion by Mr. Rogers with a second by Ms. Conwell, Motion No. M2011-0043 was considered and approved by unanimous vote.

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

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion No. M2011-0041.

- 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

**On a motion by Mr. Schron with a second by Ms. Conwell, Motion No. M2011-0041 was considered and approved by unanimous vote.**

10. CONSIDERATION OF A RESOLUTION 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 Resolution No. R2011-0262.**

- 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> anniversary of the Lakeside Courthouse in 2012, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Council President Connally and County Executive FitzGerald

**On a motion by Mr. Greenspan with a second by Ms. Conwell, Resolution No. R2011-0262 was considered and adopted by unanimous vote.**

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, Jones and Rogers

**Council President Connally referred Ordinance No. O2011-0041 to the Finance & Budgeting Committee.**

- 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

Sponsors: Councilmembers Simon, Miller, Rogers, Connally, Brady and Conwell

**Council President Connally referred Ordinance No. O2011-0042 to the Human Resources, Appointments & Equity Committee and to the Justice Affairs Committee.**

**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

**The Clerk read into the record Ordinance No. O2011-0013; no official action was taken by Council. This item will be placed on the next regular Council meeting agenda for final reading.**

- 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

**The Clerk read into the record Ordinance No. O2011-0036; no official action was taken by Council. This item will be placed on the next regular Council meeting agenda for final reading.**

**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.

Sponsors: Councilmembers Schron and Miller and County Executive FitzGerald

Committee Assignment and Chair: Economic Development & Planning  
– Schron

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

14. CONSIDERATION OF A RESOLUTION 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 No. R2011-0263.**

- 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

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2011-0263 was considered and adopted by unanimous vote.**

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



**Council President Connally referred Resolution No. R2011-0264 to the Public Works, Procurement & Contracting Committee.**

- 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

**Council President Connally referred Resolution No. R2011-0265 to the Economic Development & Planning Committee.**

- 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

**Council President Connally referred Resolution No. R2011-0266 to the Public Safety Committee.**

- 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

**Council President Connally referred Resolution No. R2011-0267 to the Public Safety Committee.**

16. 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. R2011-0247, R2011-0248, R2011-0249, R2011-0250, R2011-0251, R2011-0252, R2011-0253, R2011-0254, R2011-0255 and R2011-0258.

- 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

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2011-0247 was considered and adopted by unanimous vote.

- 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

On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0248 was considered and adopted by unanimous vote.

- 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

**On a motion by Mr. Schron with a second by Ms. Simon, Resolution No. R2011-0249 was considered and adopted by unanimous vote.**

- 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

**On a motion by Ms. Simon with a second by Mr. Jones, Resolution No. R2011-0250 was considered and adopted by unanimous vote.**

- 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

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2011-0251 was considered and adopted by unanimous vote.**

- 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

**On a motion by Mr. Jones with a second by Ms. Simon, Resolution No. R2011-0252 was considered and adopted by unanimous vote.**

- 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

**On a motion by Mr. Germana with a second by Mr. Jones, Resolution No. R2011-0253 was considered and adopted by unanimous vote.**

- 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

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2011-0254 was considered and adopted by unanimous vote.**

- 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

**On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2011-0255 was considered and adopted by unanimous vote.**

- 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.

Sponsor: County Executive FitzGerald/Department of Development

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

Committee Assignment and Chair: Economic Development & Planning  
– Schron

**Resolution No. R2011-0256 was postponed from consideration at the request of the County Executive.**

- 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

Committee Assignment and Chair: Economic Development & Planning  
– Schron

**Resolution No. R2011-0257 was postponed from consideration at the request of the Economic Development & Planning Committee Chair.**

- I) 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

Committee Assignment and Chair: Economic Development & Planning  
– Schron

**On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2011-0255 was considered and adopted by unanimous vote.**

#### 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

**Council President Connally referred Ordinance No. O2011-0043 to the Human Resources, Appointments & Equity Committee.**

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

- 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

**Council President Connally referred Ordinance No. O2011-0034 to the Human Resources, Appointments & Equity Committee.**

- 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

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

**19. MISCELLANEOUS COMMITTEE REPORTS**

**Council President Connally reported that there will be a Work Session on Tuesday, September 13, 2011 at 4:00 p.m. to discuss proposed education initiatives connected with the scholarship fund program.**

**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. Public participation is encouraged.**

**Mr. Jones reported that there will be a Public Works, Procurement & Contracting Committee meeting on Thursday, August 25, 2011 at 11:00 a.m.**

**Mr. Miller reported that there will be a Finance & Budgeting Committee meeting on Monday, August 29, 2011 at 2:00 p.m.**

**Mr. Brady reported that there will be a Health, Human Services & Aging Committee meeting on Thursday, September 1, 2011 at 1:00 p.m.**

**20. MISCELLANEOUS BUSINESS**

**Council President Connally stated that there will be two County Districting Commission meetings on Wednesday, August 24, 2011 at 10:00 a.m. and at 5:30 p.m. at Cleveland State University. Members of the public are encouraged to attend. Council President Connally then stated that the Cleveland Orchestra will perform a free outdoor concert to commemorate the 10<sup>th</sup> anniversary of the September 11<sup>th</sup> attacks on Sunday, September 11, 2011 at 2:30 p.m.**

**Mr. Gallagher stated that the groundbreaking ceremony for the wind turbine project at the County Fairgrounds will take place on Wednesday, August 24, 2011 at 10:30 a.m.**

**Mr. Greenspan stated that there will be a Public Safety Charity Softball Tournament to recognize the District 11 public safety forces on August 26, 27 and 28, 2011 at North Olmsted Community Park.**

**21. PUBLIC COMMENT UNRELATED TO AGENDA**

**No public comments were given.**

**22. ADJOURNMENT**

**With no further business to discuss and on a motion by Mr. Miller with a second by Ms. Conwell, the meeting was adjourned at 6:52 p.m., without objection.**



# COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

## MOTION NO. M2011-0044

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

**A Motion confirming the County Executive's appointment of Richard W. Sensenbrenner upon his taking the oath of office as the Treasurer of Cuyahoga County, and declaring the necessity that this Motion become immediately effective.**

WHEREAS, pursuant to Article V, Section 5.01 of the Charter of Cuyahoga County, each of the offices provided for in Article V shall be appointed by the County Executive, subject to the confirmation by Council; and

WHEREAS, Article V, Section 5.07 of the Charter provides for the powers, duties and qualifications of the County Treasurer; and

WHEREAS, the County Executive has nominated Richard W. Sensenbrenner for the appointment to the position of County Treasurer; and

WHEREAS, the Council has undergone review and scheduled a Confirmation Hearing which was noticed to the public and held in an open meeting on August 23, 2011; and

WHEREAS, the Council elects to confirm the County Executive's appointment of Richard W. Sensenbrenner to the position of County Treasurer.

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 hereby confirms the appointment of Richard W. Sensenbrenner to serve as the County Treasurer upon his taking the oath of office.

**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

Committee of the Whole: August 23, 2011

Journal CC003  
August 29, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0268

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> fixing sewer maintenance and/or sewerage treatment rates for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24 and for the City of Pepper Pike, in accordance with Ohio Revised Code Chapter 6117; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24 and the City of Pepper Pike, sewer improvements and/or sewage disposal plants have been installed for the benefit of the lots and lands contained within said Sewer Districts and City; and,

WHEREAS, in the Creekside and Pepper Hills subdivisions in Pepper Pike, sewer improvements and sewage disposal plants have been installed for the benefit of the lots and lands contained within said subdivisions; and,

WHEREAS, funds are necessary to pay for the treatment and disposal costs and for proper maintenance and operation of the sewerage system in said districts from January 1, 2012 forward; and,

WHEREAS, under provisions of the Ohio Revised Code Section 6117.02, this County may levy an assessment to pay the cost and expense of the maintenance and operation of such sewerage improvements, including the disposal of sewage; and,

WHEREAS, said sewer maintenance and/or sewerage treatment rates shall be applied as follows:

Single family	Front footage x maintenance rate
Condominiums	Average front footage for the community x 0.87 x the sewer maintenance rate
Apartments	Per settlement formula per Common Pleas case # 245631
Commercial	Front footage x maintenance rate x 1.15 percent
Industrial	Front footage x maintenance rate x 1.15 percent

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

**SECTION 1.** That in order to provide funds with which to maintain and operate Sewerage improvements in the above-named areas from January 1, 2012, forward, the following rates shall be charged to the actual and/or potential users of such sewerage system:

	<b>Sewer Maintenance Rate (Per Front Foot)</b>	<b>Sewage Treatment Rate (Per Thousand Cubic Feet of Water Consumption)</b>
	<u>2012</u>	<u>2012</u>
<b>Sewer District No. 1</b>		
Brooklyn	2.60	
Middleburg Heights	2.00	
Sanitary Sewers		
Storm Sewers	0.50	
Water	0.20	
Transmission Lines		
Parma Heights		
Sanitary Sewers	1.80	
Storm Sewers	0.55	
Water	0.15	
Transmission Lines		
Linndale	2.50	
 <b>Sewer District No. 1A</b>		
Parma		
Sanitary Sewers	1.60	
Storm Sewers	0.40	
Water	0.15	
Transmission Lines		
 <b>Sewer District No. 2</b>		
Brooklyn Heights	1.75	
Seven Hills	1.00(A)	
 <b>Sewer District No. 3</b>		
Beachwood	1.50	
Gates Mills	7.00	
Highland Heights	2.50	
Lyndhurst	1.00	
Mayfield Heights	2.50	
Mayfield Village	4.00	
Pepper Pike	2.50	40.00

Richmond Heights	2.70
South Euclid	1.00 (B)

**Sewer District No. 5**

Beachwood	1.50
Bedford Heights	1.95
Highland Hills	2.50
North Randall	2.50
Orange Village	3.00
Warrensville Heights	2.50

**Sewer District No. 8**

Middleburg Heights	
Sanitary	2.00
Storm	0.50
Water Transmission Lines	0.20

**Sewer Maintenance  
Rate  
(Per Front Foot)**

**Sewage Treatment Rate  
(Per Thousand Cubic  
Feet  
of Water Consumption)**

2012

2012

**Sewer District No. 9**

Garfield Heights	
Sanitary	0.80
Storm	0.20
Maple Heights	2.50

**Sewer District No. 13**

Brecksville		
Sanitary	2.50	40.00
Storm	0.60	
Broadview Heights	1.50	

**Sewer District No. 14**

Olmsted Falls	
Olmsted Township	
Sanitary Sewer	3.50
Storm Sewer	0.47

<b>Sewer District No. 20</b>	
Bedford	1.60
Walton Hills	1.60
<b>Sewer District No. 21</b>	
Woodmere	225.00 (C)
	150.00 (C)
<b>Sewer District No. 22</b>	
Newburgh Heights	5.50
<b>Sewer District No. 24</b>	
East Cleveland	
Sanitary	2.40
Storm	.10

- (A) Rate applies to properties served by County Imp. No. 231.
- (B) Rate applies to portion of South Euclid tributary to County Imp. Nos. 3-A-1 and 3-A-2 only.
- (C) Flat rate: \$225.00 charge for each improved parcel for 2012  
\$150.00 charge for each unimproved lot for 2012

Any charges that are not paid shall be certified to the County Fiscal Officer, as provided by law, for collection.

**SECTION 2.** That the Clerk of Council be, and she is hereby, instructed to transmit a copy of this resolution to the County Fiscal Officer and one copy to the Department of Public Works/Sanitary Engineer.

**SECTION 3.** It is necessary that this Resolution become immediately effective to comply with the Ohio Revised Code, Section 6117.33, which provides that assessments for such rates must be certified on or before the second Monday in September, that being September 12, 2011. 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 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.

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 29, 2011



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer/Sanitary Engineering Division	<b>Agency/Dept. Head Name:</b>	Douglas Dillion
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**Type of Request:** Agreement/Amendment

<b>Request Prepared by:</b>	Rana Sakr	<b>Telephone No.</b>	(216) 443-8199
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**SUMMARY OF REQUESTED ACTION:**

Fixing rates and directing the County Department of Public Works to prepare maintenance and sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24; and for the City of Pepper Pike for Fiscal 2012. The County of Cuyahoga approves rates for the Sanitary Engineering Division because the County has contractual obligations with various communities to operate and maintain sanitary sewerage systems including sanitary sewers, wastewater treatment plants and pump stations. Section 6117.02 of the Ohio Revised Code requires that the County of Cuyahoga approve "reasonable rates to be charged for the use of the sewers or sewerage treatment or disposal works to every person, firm, or corporation whose premises are served by a connection to such sewers or sewerage treatment or disposable works to every person, firm, or corporation whose premises are served by a connection to such sewers or sewerage treatment or disposal works when such sewers or sewerage treatment or disposal works are owned or operated by the county, and may change such rates as it deems advisable. Such rates shall be at least sufficient to pay all the cost of operation and maintenance of improvements."

According to The Ohio Revised Code our rates/charges must be fixed, approved and confirmed by the second Monday in September that being 9/12/2011

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

These rates differ because Cuyahoga County is divided into sewer districts. The Ohio Revised Code requires that accounts be established for each sewer district and communities no part of a sewer district. All operational expenditures must be paid for the revenues collected from users of the sanitary systems ( level one financing). Each sewer district differs in population size, lineal feet of sewers, and numbers of wastewater treatment



plants and /or pump stations that must be maintained. This results in cost variations requiring different rates between and sometimes within districts. Secondly, sewer district accounts should always reflect a reserve balance to respond to unplanned repairs and/or replacement of sanitary systems. District.Community rsates will consider capital funds spent on unplanned projects to reimburse the district account and/or pay long-term capital debt (level two financing). (see attachments).

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

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

**Financial Information:**

**Funding source: Explanation:**

**Total Amount Requested:**

\$

**ATTACHMENTS:**

[Click to download](#)

[Revision #1](#)

**History**

**Time**

**Who**

Clerk of the Board

**Approval**

## Request for Board Action (Date of Meeting)

### Department of Public Works/Sanitary Engineering Division

#### Fixing sewer maintenance rates, continued:

Thirdly, the Sanitary Engineering Division routinely evaluates the condition of the sanitary systems and attempts to repair/replace systems where necessary (planned capital projects) and within funds available for this purpose (level three financing). It is the intent of the Sanitary Engineering Division to continue financing its operation at all three levels and to continue its programs in accordance with contractual obligations and effective engineering practices.

**Some rates changed while others have not because** each sewer district/community account must reflect the funding resources to pay for the projected programs and planned/unplanned capital costs. Once the fiscal evaluation is completed, the recommended rate schedule is prepared. All planned expenditures, including plan review and design, sewer inspection, sewer maintenance activities, such as, videotaping, high pressure cleaning and house lateral maintenance, pump station and wastewater plant operation, capital debt and planned capital projects, will vary between districts and communities. Should current rates be sufficient to pay future expenditures and maintain a reasonable account balance for emergencies, these rates will remain the same. If not, rate adjustments will be recommended accordingly. The formula that determines total income consists of property frontage, water consumption, and the sewer district/community rate. The following summarizes the proposed rates:

The proposed rates were determined as follows:

- Estimate costs for engineering, sewer inspection, treatment plants, pump stations, lab, and sewer maintenance programs (level one financing).
- Maintain sufficient fund balances in the Sewer District Accounts for emergency repairs or replacement of sanitary sewers; pump stations, wastewater treatment plants and current/future capital debt (level two financing).
- Provide capital funding (\$ 7-8 million) for planned/potential projects (level three financing).

The rates shall be applied as Follows:

Single family	Front footage x maintenance rate
Condominiums	Average front footage for the community x 0.87 x the sewer maintenance rate
Apartments	Per settlement formula per Common Pleas case # 245631
Commercial	Front footage x maintenance rate x 1.15 percent
Industrial	Front footage x maintenance rate x 1.15 percent

	<u>Sewer Maintenance Rate (Per Front Foot)</u>	<u>Sewage Treatment Rate (Per Thousand Cubic Feet of Water Consumption)</u>
	<u>2012</u>	<u>2012</u>
<b>Sewer District No. 1</b>		
Brooklyn	2.60	
Middleburg Heights		
Sanitary Sewers	2.00	
Storm Sewers	0.50	
Water Transmission Lines	0.20	
Parma Heights		
Sanitary Sewers	1.80	
Storm Sewers	0.55	
Water Transmission Lines	0.15	
Linndale	2.50	
<b>Sewer District No. 1A</b>		
Parma		
Sanitary Sewers	1.60	
Storm Sewers	0.40	
Water Transmission Lines	0.15	
<b>Sewer District No. 2</b>		
Brooklyn Heights	1.75	
Seven Hills	1.00(A)	
<b>Sewer District No. 3</b>		
Beachwood	1.50	
Gates Mills	7.00	
Highland Heights	2.50	
Lyndhurst	1.00	
Mayfield Heights	2.50	
Mayfield Village	4.00	
Pepper Pike	2.50	40.00
Richmond Heights	2.70	
South Euclid	1.00 (B)	
<b>Sewer District No. 5</b>		
Beachwood	1.50	
Bedford Heights	1.95	
Highland Hills	2.50	
North Randall	2.50	
Orange Village	3.00	
Warrensville Heights	2.50	
<b>Sewer District No. 8</b>		
Middleburg Heights		
Sanitary	2.00	
Storm	0.50	
Water Transmission Lines	0.20	

	<u>Sewer Maintenance Rate (Per Front Foot)</u>	<u>Sewage Treatment Rate (Per Thousand Cubic Feet of Water Consumption)</u>
	<u>2012</u>	<u>2012</u>
<b>Sewer District No. 9</b>		
Garfield Heights		
Sanitary	0.80	
Storm	0.20	
Maple Heights	2.50	
<b>Sewer District No. 13</b>		
Brecksville		
Sanitary	2.50	40.00
Storm	0.60	
Broadview Heights	1.50	
<b>Sewer District No. 14</b>		
Olmsted Falls		
Olmsted Township		
Sanitary Sewer	3.50	
Storm Sewer	0.47	
<b>Sewer District No. 20</b>		
Bedford	1.60	
Walton Hills	1.60	
<b>Sewer District No. 21</b>		
Woodmere	225.00 (C)	
	150.00 (C)	
<b>Sewer District No. 22</b>		
Newburgh Heights	5.50	
<b>Sewer District No. 24</b>		
East Cleveland		
Sanitary	2.40	
Storm	.10	

(A) Rate applies to properties served by County Imp. No. 231.

(B) Rate applies to portion of South Euclid tributary to County Imp. Nos. 3-A-1 and 3-A-2 only.

(C) Flat rate: \$225.00 charge for each improved parcel for 2012  
 \$150.00 charge for each unimproved lot for 2012

Any charges that are not paid shall be certified to the County Fiscal Officer as provided by law, for collection.

**BE IT FURTHER RESOLVED**, that the Clerk of the Council be, and she is, hereby instructed to transmit a copy of this resolution to the County Fiscal Officer and one copy to Department of Public Works/ Sanitary Engineer.

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0269

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> approving and confirming the 2012 sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24 and for the City of Pepper Pike, in accordance with Ohio Revised Code Chapter 6117; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Sanitary Engineer has prepared and presented to the County Council for the County of Cuyahoga, Ohio, the 2012 sewer maintenance and sewerage treatment assessments, as attached and incorporated herein, to be approved and confirmed for the sewerage improvements in County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24 and the City of Pepper Pike; and,

WHEREAS, funds are necessary to pay for the treatment and disposal costs and for proper maintenance and operation of the sewerage system in said districts from January 1, 2012 forward; and,

WHEREAS, under provisions of the Ohio Revised Code Section 6117.02, this County may levy an assessment to pay the cost and expense of the maintenance and operation of such sewerage improvements, including the disposal of sewage; and,

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

**SECTION 1.** That the 2012 sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21, 22 and 24 and the City of Pepper Pike, as prepared and filed with this Council by the County Sanitary Engineer attached and incorporated herein, be, and the same are, hereby approved and confirmed and said assessments are hereby ordered recorded in the original assessment records of the County of Cuyahoga, Ohio for the year 2012, to which reference is hereby made a part hereof, as fully and completely as though set forth at length and rewritten herein.

**SECTION 2.** That there be, and hereby is, levied and assessed upon the several lots and parcels of land listed and described in said report the amount set forth to be assessed by the County of Cuyahoga, Ohio, through the Public Works Department/ Sanitary Engineer, upon each of said lots and parcels of land.

**SECTION 3.** That the said assessments so made, approved and confirmed, are hereby certified to the County Fiscal Officer for collection.



Report rates for 2012 for Department of Public Works  
Sanitary Engineering Division Sewer Maintenance Rates

The proposed rates were determined as follows:

- Estimate costs for engineering, sewer inspection, treatment plants, pump stations, lab, and sewer maintenance programs (level one financing).
- Maintain sufficient fund balances in the Sewer District Accounts for emergency repairs or replacement of sanitary sewers; pump stations, wastewater treatment plants and current/future capital debt (level two financing).
- Provide capital funding (\$ 7-8 million) for planned/potential projects (level three financing).

The rates shall be applied as Follows:

Single family	Front footage x maintenance rate
Condominiums	Average front footage for the community x 0.87 x the sewer maintenance rate
Apartments	Per settlement formula per Common Pleas case # 245631
Commercial	Front footage x maintenance rate x 1.15 percent
Industrial	Front footage x maintenance rate x 1.15 percent

	<b>Sewer Maintenance Rate (Per Front Foot)</b>	<b>Sewage Treatment Rate (Per Thousand Cubic Feet of Water Consumption)</b>
	<u>2012</u>	<u>2012</u>
<b>Sewer District No. 1</b>		
Brooklyn	2.60	
Middleburg Heights		
Sanitary Sewers	2.00	
Storm Sewers	0.50	
Water Transmission Lines	0.20	
Parma Heights		
Sanitary Sewers	1.80	
Storm Sewers	0.55	
Water Transmission Lines	0.15	
Linndale	2.50	
<b>Sewer District No. 1A</b>		
Parma		
Sanitary Sewers	1.60	
Storm Sewers	0.40	
Water Transmission Lines	0.15	
<b>Sewer District No. 2</b>		
Brooklyn Heights	1.75	
Seven Hills	1.00(A)	
<b>Sewer District No. 3</b>		
Beachwood	1.50	
Gates Mills	7.00	
Highland Heights	2.50	
Lyndhurst	1.00	
Mayfield Heights	2.50	
Mayfield Village	4.00	
Pepper Pike	2.50	40.00
Richmond Heights	2.70	
South Euclid	1.00 (B)	
<b>Sewer District No. 5</b>		
Beachwood	1.50	
Bedford Heights	1.95	
Highland Hills	2.50	
North Randall	2.50	
Orange Village	3.00	
Warrensville Heights	2.50	
<b>Sewer District No. 8</b>		
Middleburg Heights		
Sanitary	2.00	
Storm	0.50	
Water Transmission Lines	0.20	



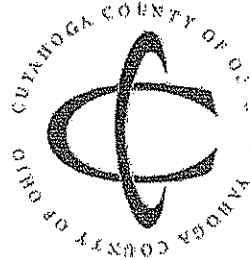
	<u>Sewer Maintenance Rate (Per Front Foot)</u>	<u>Sewage Treatment Rate (Per Thousand Cubic Feet of Water Consumption)</u>
	<u>2012</u>	<u>2012</u>
<b>Sewer District No. 9</b>		
Garfield Heights		
Sanitary	0.80	
Storm	0.20	
Maple Heights	2.50	
<b>Sewer District No. 13</b>		
Brecksville		
Sanitary	2.50	40.00
Storm	0.60	
Broadview Heights	1.50	
<b>Sewer District No. 14</b>		
Olmsted Falls		
Olmsted Township		
Sanitary Sewer	3.50	
Storm Sewer	0.47	
<b>Sewer District No. 20</b>		
Bedford	1.60	
Walton Hills	1.60	
<b>Sewer District No. 21</b>		
Woodmere	225.00 (C)	
	150.00 (C)	
<b>Sewer District No. 22</b>		
Newburgh Heights	5.50	
<b>Sewer District No. 24</b>		
East Cleveland		
Sanitary	2.40	
Storm	.10	

(A) Rate applies to properties served by County Imp. No. 231.

(B) Rate applies to portion of South Euclid tributary to County Imp. Nos. 3-A-1 and 3-A-2 only.

(C) Flat rate: \$225.00 charge for each improved parcel for 2012  
\$150.00 charge for each unimproved lot for 2012

Any charges that are not paid shall be certified to the County Fiscal Officer as provided by law, for collection.



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer/Sanitary Engineering Division	<b>Agency/Dept. Head Name:</b>	Douglas Dillon
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**Type of Request:** Agreement/Amendment

<b>Request Prepared by:</b>	William Schneider	<b>Telephone No.</b>	216-443-8205
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**SUMMARY OF REQUESTED ACTION:**

Approving and Confirming the 2012 sewer and or sewerage treatment charges for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 20, 21 ,22 and 24; and for the City of Pepper Pike for Fiscal 2012. The County of Cuyahoga approves rates for the Sanitary Engineering Division because the County has contractual obligations with various communities to operate and maintain sanitary sewerage systems including sanitary sewers, wastewater treatment plants and pump stations. Section 6117.02 of the Ohio Revised Code requires that the County of Cuyahoga approve "reasonable rates to be charged for the use of the sewers or sewerage treatment or disposal works to every person, firm, or corporation whose premises are served by a connection to such sewers or sewerage treatment or disposable works to every person, firm, or corporation whose premises are served by a connection to such sewers or sewerage treatment or disposal works when such sewers or sewerage treatment or disposal are owned or operated by the county, and may change such rates as it deems advisable. Such rates shall be at least sufficient to pay all the cost of operation and maintenance of improvements."

According to The Ohio Revised Code our rates/charges must be fixed, approved and confirmed by the second Monday in September that being 9/12/2011

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

These rates differ because Cuyahoga County is divided into sewer districts. The Ohio Revised Code requires that accounts be established for each sewer district and communities no part of a sewer district. All operational expenditures must be paid for the revenues collected from users of the sanitary systems ( level one financing). Each sewer district differs in population size, lineal feet of sewers, and numbers of wastewater treatment plants and /or pump stations that must be maintained. This results in cost variations

requiring different rates between and sometimes within districts. Secondly, sewer district accounts should always reflect a reserve balance to respond to unplanned repairs and/or replacement of sanitary systems. District Community rates will consider capital funds spent on unplanned projects to reimburse the district account and/or pay long-term capital debt (level two financing). (see attachments).

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

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

**Financial Information:**

**Funding source:      Explanation:**

**Total Amount Requested:**

\$

**ATTACHMENTS:**

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[Revision #1](#)

**History**

**Time**

**Who**

Clerk of the Board

**Approval**

  
Copyright 2001-2009

## Request for Board Action (Date of Meeting)

### Department of Public Works/Sanitary Engineering Division

#### Fixing sewer maintenance rates, continued:

Thirdly, the Sanitary Engineering Division routinely evaluates the condition of the sanitary systems and attempts to repair/replace systems where necessary (planned capital projects) and within funds available for this purpose (level three financing). It is the intent of the Sanitary Engineering Division to continue financing its operation at all three levels and to continue its programs in accordance with contractual obligations and effective engineering practices.

**Some rates changed while others have not because** each sewer district/community account must reflect the funding resources to pay for the projected programs and planned/unplanned capital costs. Once the fiscal evaluation is completed, the recommended rate schedule is prepared. All planned expenditures, including plan review and design, sewer inspection, sewer maintenance activities, such as, videotaping, high pressure cleaning and house lateral maintenance, pump station and wastewater plant operation, capital debt and planned capital projects, will vary between districts and communities. Should current rates be sufficient to pay future expenditures and maintain a reasonable account balance for emergencies, these rates will remain the same. If not, rate adjustments will be recommended accordingly. The formula that determines total income consists of property frontage, water consumption, and the sewer district/community rate. The following summarizes the proposed rates:

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	<u>2012</u>	<u>2012</u>
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Middleburg Heights		
Sanitary Sewers	2.00	
Storm Sewers	0.50	
Water Transmission Lines	0.20	
Parma Heights		
Sanitary Sewers	1.80	
Storm Sewers	0.55	
Water Transmission Lines	0.15	
Linndale	2.50	
<b>Sewer District No. 1A</b>		
Parma		
Sanitary Sewers	1.60	
Storm Sewers	0.40	
Water Transmission Lines	0.15	
<b>Sewer District No. 2</b>		
Brooklyn Heights	1.75	
Seven Hills	1.00(A)	
<b>Sewer District No. 3</b>		
Beachwood	1.50	
Gates Mills	7.00	
Highland Heights	2.50	
Lyndhurst	1.00	
Mayfield Heights	2.50	
Mayfield Village	4.00	
Pepper Pike	2.50	40.00
Richmond Heights	2.70	
South Euclid	1.00 (B)	
<b>Sewer District No. 5</b>		
Beachwood	1.50	
Bedford Heights	1.95	
Highland Hills	2.50	
North Randall	2.50	
Orange Village	3.00	
Warrensville Heights	2.50	
<b>Sewer District No. 8</b>		
Middleburg Heights		
Sanitary	2.00	
Storm	0.50	
Water Transmission Lines	0.20	

	<u>Sewer Maintenance Rate (Per Front Foot)</u>	<u>Sewage Treatment Rate (Per Thousand Cubic Feet of Water Consumption)</u>
	<u>2012</u>	<u>2012</u>
<b>Sewer District No. 9</b>		
Garfield Heights		
Sanitary	0.80	
Storm	0.20	
Maple Heights	2.50	
<b>Sewer District No. 13</b>		
Brecksville		
Sanitary	2.50	40.00
Storm	0.60	
Broadview Heights	1.50	
<b>Sewer District No. 14</b>		
Olmsted Falls		
Olmsted Township		
Sanitary Sewer	3.50	
Storm Sewer	0.47	
<b>Sewer District No. 20</b>		
Bedford	1.60	
Walton Hills	1.60	
<b>Sewer District No. 21</b>		
Woodmere	225.00 (C)	
	150.00 (C)	
<b>Sewer District No. 22</b>		
Newburgh Heights	5.50	
<b>Sewer District No. 24</b>		
East Cleveland		
Sanitary	2.40	
Storm	.10	

(A) Rate applies to properties served by County Imp. No. 231.

(B) Rate applies to portion of South Euclid tributary to County Imp. Nos. 3-A-1 and 3-A-2 only.

(C) Flat rate: \$225.00 charge for each improved parcel for 2012  
 \$150.00 charge for each unimproved lot for 2012

Any charges that are not paid shall be certified to the County Fiscal Officer as provided by law, for collection.

**BE IT FURTHER RESOLVED**, that the Clerk of the Council be, and she is, hereby instructed to transmit a copy of this resolution to the County Fiscal Officer and one copy to Department of Public Works/ Sanitary Engineer.

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0270

<b>Sponsored by: County Executive FitzGerald and Councilmembers Connally, Brady, Jones, Simon, Rogers, Conwell and Gallagher</b>	<b>A Resolution</b> determining and declaring that the County's engagement in the effort to maximize voter participation and voting by mail is a public purpose and authorizing the County Executive to undertake all acts necessary to engage the County in the effort to maximize voter participation and voting by mail, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, since the Voting Rights Act of 1964, the direction in the United States has been to encourage voter participation and not to restrict citizens' ability to exercise their constitutional voting rights; and,

WHEREAS, Cuyahoga County has utilized early voting by mail, including the mailing of requests for ballots to vote by mail with postage-prepaid return envelopes, for every single election at least since 2008; and,

WHEREAS, the citizens of Cuyahoga County have come to expect and rely on the fact that they will automatically receive their requests for ballots to vote by mail, with postage-prepaid return envelopes, for every election as has been the regular practice in the County at least since 2008; and,

WHEREAS, the Cuyahoga County's Board of Elections' methodology for deciding the number of polls and the staffing thereof currently incorporates the entire vote by mail system that has been in place in the County at least since 2008; and

WHEREAS, House Bill 194 amended Section 3509.03 of the Ohio Revised Code to add the following prohibition on boards of elections:

(D) A board of elections shall not mail any unsolicited applications for absent voter's ballots. A board shall only mail an absent voter's ballot application to an elector who has requested such an application from the board. A board of elections that mails an absent voter's ballot application to an elector under this section shall not prepay the return postage for that application.

WHEREAS, petitions for referendum have been circulated for House Bill 194, which will either repeal it and/or delay its effective date; and,

WHEREAS, even if no referendum were to take place, House Bill 194 will not go into effect until September 30, 2011; and,

WHEREAS, even if it were to go into effect, House Bill 194 only prohibits boards of elections from automatically mailing applications for ballots to vote by mail; and,

WHEREAS, in enacting House Bill 194, the Ohio legislature was fully aware of the fact that persons and entities other than boards of elections regularly and routinely mailed applications for ballots to vote by mail, yet the Ohio legislature consciously chose to only limit House Bill 194's prohibition on mailing applications for ballots to vote by mail to boards of election; and,

WHEREAS, even if it were to go into effect, House Bill 194 does not prohibit Cuyahoga County from mailing applications to vote by mail with postage-prepaid return envelopes; and,

WHEREAS, Section 1.01 of the Cuyahoga County Charter provides that the County may exercise all powers conferred by the Charter or incidental powers thereto "and all other powers that the Constitution and laws of Ohio now or hereafter grant to counties to exercise or do not prohibit counties from exercising"; and,

WHEREAS, the Ohio Constitution and the laws of Ohio do not prohibit Cuyahoga County from mailing applications for ballots to vote by mail with postage-prepaid return envelopes; and,

WHEREAS, Cuyahoga County has a valid public interest in encouraging voter participation; and,

WHEREAS, it is a public purpose and in the best interest of Cuyahoga County and its citizens to engage the County in the effort to maximize voting by mail; and,

WHEREAS, the benefits of voting by mail to Cuyahoga County and its citizens include, but are not limited to, the following:

1. Cuyahoga County, as a large urban county, has a substantial public interest in reducing congestion and long lines at polling places; and,
2. Cuyahoga County's taxpayers benefit from increased use of voting by mail as it minimizes the wear and tear on expensive voting machines paid for by the County's taxpayers; and,
3. Cuyahoga County's citizens benefit from increased use of voting by mail as it results in fewer provisional ballots than in-person voting.



WHEREAS, the recent and sudden prohibition on the Cuyahoga County Board of Elections' ability to mail applications for ballots to vote by mail, with postage-prepaid return envelopes, may cause confusion and hardship to the County's citizens who have come to expect and rely on the fact that they will automatically receive their applications to vote by mail with postage-prepaid return envelopes; and,

WHEREAS, the recent and sudden prohibition on the Cuyahoga County Board of Elections' ability to mail applications for ballots by mail may cause a hardship to the County's by resulting in congested and long lines at polling places because the Cuyahoga County's Board of Elections' current methodology for deciding the number of polls and the staffing thereof incorporates the entire vote by mail system that has been in place in the County at least since 2008.

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

**SECTION 1.** It is a public purpose and in the best interest of Cuyahoga County and its citizens to engage the County in the effort to maximize voter participation and voting by mail. The factors supporting the public purpose include, but are not limited to, the following:

- a. The County and its taxpayers will benefit from the increased use of voting by mail, including, but, not limited to, the following:
  1. Cuyahoga County, as a large urban county, has a substantial public interest in reducing congestion and long lines at polling places; and,
  2. Cuyahoga County's taxpayers benefit from increased use of voting by mail as it minimizes the wear and tear on expensive voting machines paid for by the County's taxpayers; and,
  3. Cuyahoga County's citizens benefit from increased use of voting by mail as it results in fewer provisional ballots than in-person voting.
- b. The failure to mail applications for ballots to vote by mail, with postage-prepaid return envelopes, may cause hardship and confusion to the County's citizens, including, but not limited to, the following:
  1. The sudden prohibition on the Cuyahoga County Board of Elections' ability to mail the applications to vote by mail with postage-prepaid envelopes may cause confusion and hardship to Cuyahoga County's citizens who have come to expect and rely on automatically receiving their applications to vote by mail, with postage-prepaid return envelopes, at least since 2008; and,
  2. The sudden prohibition on the Cuyahoga County Board of Elections' ability to mail applications to vote by mail with postage-prepaid return envelopes may cause hardship to Cuyahoga County's citizens by resulting

in congested and long lines at polling places because the Cuyahoga County's Board of Elections' current methodology for deciding the number of polls and the staffing thereof incorporates the entire vote by mail system that has been in place in the County at least since 2008.

**SECTION 2.** The County Executive is hereby authorized to undertake all acts necessary, including, but not limited to, the use of outside vendors and the County's print shop and any other offices or departments, to engage the County in the effort to maximize voter participation and voting by mail in Cuyahoga County for the November 8, 2011 election, including, but not limited to, the mailing of applications to vote by mail with postage-prepaid return envelopes.

**SECTION 3.** Provided that this Resolution receives the affirmative vote of eight members of Council, it shall become immediately effective upon the signature of the County Executive. It is hereby determined to be necessary that this Resolution become immediately effective in order that pending and future claims, disputes, demands and lawsuits may be resolved expeditiously.

**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.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Journal CC003  
August 29, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0271

Sponsored by: <b>County Executive FitzGerald/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.	64A604 – Postage (as of 6/30/06)	<b>BA1100658</b>
	CT577353 – County Mailroom	
	Other Expenses \$ 350,000.00	

Funding Source: Funding for the County Mailroom operation comes from charges to user agencies for mailroom and postage services.

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

**Fund Nos. /Budget Accounts**

**Journal Nos.**

None Submitted.

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

**Fund Nos. /Budget Accounts**

**Journal Nos.**

None Submitted.

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

**SECTION 5.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

\_\_\_\_\_  
County Council President      Date

\_\_\_\_\_  
County Executive      Date

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Clerk of Council

Date

Journal CC003  
August 29, 2011

August 25, 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 29, 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
<b>TOTAL</b>	<b>0</b>

Other Operating Funds	Amount
Public Works/Central Services – An increase in appropriation for the County Mailroom to fund the vote by mail program. Funding is from charges to user agencies.	\$350,000.00
<b>TOTAL</b>	<b>\$350,000.00</b>

Grants/Projects	Amount

<b>Total Additional Appropriations - All Funds</b>	<b>\$0.00</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:

	09/13 Agenda	Year to Date	Adjusted Annual Appropriation
General Fund	\$ 0.00	\$ 26,361,548.77	\$ 331,278,700.77
Other Fund	\$ 350,000.00	\$ 102,545,866.01	\$ 1,511,539,595.01
Total	\$ 350,000.00	\$ 128,557,414.78	\$ 1,842,818,295.78

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

General Fund/Health & Human Services	Amount
<b>TOTAL</b>	<b>0</b>

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

Grants/Projects	Amount

TOTAL	0
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<b>Total Appropriation Transfers - All Funds</b>	<b>\$0.00</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
TOTAL	0


Other Operating Funds	Amount
TOTAL	0

Grants/Projects	Amount
TOTAL	\$ 0.00

<b>Total Cash Transfers - All Funds</b>	<b>\$0.00</b>
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Thank you for your consideration regarding this matter.

Sincerely,



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

## MEMORANDUM

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TO: Jeanne Schmotzer, Clerk of Council  
FROM: Matthew Rubino, Director, Office of Budget & Management  
DATE: August 25, 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 29, 2011. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

**Resolution: Additional Appropriations**

A.	64A604 – Postage (as of 6/30/06)		<b>BA1100658</b>
	CT577353 – County Mailroom		
	Other Expenses	\$	350,000.00

An appropriation increase is requested for the County Mailroom budget to fund the vote-by-mail program. The Board of Elections has been directed by the Secretary of State (2011-26) to not provide vote-by-mail applications to active voters of Cuyahoga County for November's general election as a result of a State law change that goes into effect in September. The County Executive is maintaining the vote-by-mail application process for 2011 and would like to fund the project out of the County Mailroom fund. The expenditure be funded with cash balance reserves projected in the fund for the current year. Funding for the County Mailroom operation comes from charges from user agencies for mailroom and postage services 70% of which are General Fund agencies.

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# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0044

Sponsored by: <b>County Executive FitzGerald and Councilmembers Miller and Jones</b>	<b>An Ordinance</b> amending Ordinance No. O2011-0014, as amended in Ordinance Nos. O2011-0030 and O2011-0033, which enacted a Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Council enacted a Board of Control, Contracting and Purchasing Ordinance in Ordinance No. O2011-0014; and,

WHEREAS, Council amended the Board of Control, Contracting and Purchasing Ordinance in Ordinance Nos. O2011-0030 and O2011-0033; and,

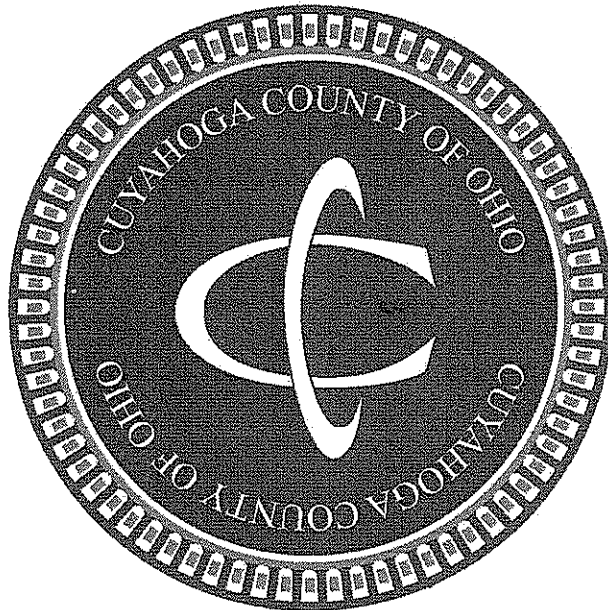
WHEREAS, Council deems it proper to further amend the Board of Control, Contracting and Purchasing Ordinance to make the County's contracting practices more efficient and transparent; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to continue the usual and daily operation of the County.

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

**SECTION 1:** The Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, adopted by Council in Ordinance No. O2011-0014, and amended in Ordinance Nos. O2011-0030 and O2011-0033, is hereby amended to read as follows (additions are bolded and underlined; deletions are stricken out):

Cuyahoga County  
~~Board of Control~~, Contracting and Purchasing Procedures  
Ordinance



Cuyahoga County Council  
Public Works, Procurement & Contracting Committee

Pernel Jones, Jr., Chair  
Chuck Germana, Vice Chair  
Yvonne Conwell  
Dale Miller  
Julian Rogers

*Adopted, April 26, 2011, Ordinance No. O2011-0014*  
*Amended, July 26, 2011, Ordinance No. O2011-0030*  
*Amended, August 9, 2011, Ordinance No. O2011-0033*

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## **Chapter 1: Establishment of the Board of Control**

### **Section 1.1: Board of Control Established**

There is, hereby, created the Cuyahoga County Board of Control, consisting of seven (7) members identified as follows:

- a) the Cuyahoga County Executive,
- b) the Fiscal Officer,
- c) the Director of Public Works,
- d) the Director of the Office of Procurement and Diversity, and
- e) three members of Cuyahoga County Council, appointed by the President of Council, within seven (7) days after the enactment of this ordinance and immediately following each Organizational Meeting of Cuyahoga County Council, who shall serve until their successors are appointed.

*Amended in Ordinance No. O2011-0030 on July 26, 2011.*

### **Section 1.2: County Council Vacancies**

Whenever any of the three (3) positions on the Board of Control held by members of County Council becomes vacant, the President of County Council shall appoint another member of County Council to fill the position for the remainder of the term.

### **Section 1.3: Executive Branch Alternates**

For each of the four (4) executive branch members of the Board of Control, the County Executive shall appoint an alternate, who shall attend meetings of the Board of Control whenever that member is unable to do so. Only employees of Cuyahoga County may be appointed as alternates on the Board of Control. Each alternate appointed shall, according to the County Executive's best judgment, have the greatest responsibility and most knowledge in the area(s) of primary responsibility of the person that the alternate replaces. Alternates shall serve at the pleasure of the County Executive, and the County Executive shall appoint a new alternate in the same way as the original designation whenever an alternate position becomes vacant. Appointments of alternates by the County Executive shall not be subject to confirmation by County Council.

Section 1.4: Council Alternates

At the same time that the President of Council appoints members to the Board of Control, the President of Council shall appoint an alternate for each member appointed. Alternates shall be members of County Council and shall serve until their successors are designated. The President of Council shall in the same way appoint an alternate for the remainder of the term whenever an alternate position becomes vacant.

Section 1.5: Alternate Have Full Rights

Any properly appointed alternate shall have all the rights and responsibilities of a member of the Board of Control when attending a meeting on behalf of a member.

Section 1.6: Officers

The County Executive shall serve as Chairperson of the Board of Control, and the Fiscal Officer shall serve as Vice Chairperson. If both the Executive and the Fiscal Officer are absent from any meeting, the Board of Control shall choose one of its members to chair that meeting. For the purposes of this section, County Executive and Fiscal Office shall include their alternates.

Section 1.7: No Additional Compensation, Collective Action, and Conflicts of Interest

(a) No compensation in addition to a person's regular compensation as an employee of Cuyahoga County shall be provided for service on the Board of Control.

(b) The Board of Control is a board created by law, and its members act collectively, and in their official capacities, in the award of contracts and in taking any other action. It shall not be a conflict of interest for a Board member, including the County Executive or a director of a department or an office, to advocate before the Board, deliberate on, and vote for or against a contract or any other item involving his or her department or office. It also shall not be a conflict of interest for a Council Board member to advocate before the Board, deliberate on, and vote for or against a contract within his or her District or involving a purchase by the County Council.

Section 1.8: Clerk of the Board of Control

The County Executive shall designate one staff person, who shall be the Clerk of the Board of Control, who shall publish agendas and meeting notices and record and publish minutes.

Section 1.9: Weekly Meetings

The Board of Control shall meet weekly, at a regular time determined by the Board of Control.

Section 1.10: Quorum

A quorum for the Board of Control shall consist of four (4) members, or their alternates or replacements.

Section 1.11: Vote Required for Board of Control Actions

Except as provided in Section 3.10(a)(7) ~~2-10(a)(7)~~ of this Ordinance, a motion to approve or disapprove any item before the Board of Control shall require the affirmative vote of any four (4) or more members. Amendments to items before the Board of Control and parliamentary motions may be adopted by a majority of those present, provided that a quorum is present.

Section 1.12: Rules of Procedure

(a) The Board of Control shall, consistent with the provisions of this ordinance, adopt its own rules of procedure.

(b) Should any conflict arise between the rules of procedure of the Board of Control and this Ordinance, the requirements of this Ordinance shall prevail.

Section 1.13: Public Participation

All meetings of the Board of Control shall be open to the public and shall begin by providing time for public comment on matters that are on the agenda for that day. The Board of Control shall also provide time for public comment, either at that time or later in the meeting, on matters that may come before the Board of Control in the future. The Board of Control may also require presenters to register with the Board of Control before speaking and may set a time limit on presentations, which may be extended at the discretion of the Chairperson.

Section 1.14: Agendas

The Clerk of the Board of Control shall publish the notice and agenda for each meeting on the county's website, post them at its office, and send them by electronic mail to each member of County Council no later than ~~the close of business~~ **6:30 p.m.** on the second business day before the meeting. For each proposed contract to be considered, the agenda shall list the type of contract, a summary of the scope of work, the anticipated costs, the expected schedule of payments by fiscal year, the source(s) of funding, the anticipated start date, and the vendor's name. For agenda items other than contracts, the Board of Control shall specify in its rules what documentation shall be submitted with the request.

Section 1.15: Special Meetings

The Board of Control may conduct a special meeting at a time other than its regularly scheduled time. In the event of an emergency, **as determined by the County Executive in his or her discretion**, the Board of Control may conduct a meeting with less notice than that required by Section **1.14** ~~1.15~~ of this Ordinance. For any special or emergency meeting, in addition to the notice requirements of Section **1.14** ~~1.15~~, the Board of Control shall also send notice to all news media organizations that request to be notified of such meetings. A meeting may be conducted with less than twenty-four (24) hours only to respond to an emergency concerning which immediate official action is required, and the notice and agenda shall state the nature of the emergency requiring such action.

Section 1.16: Minutes

The Clerk of the Board of Control shall promptly prepare and publish the minutes of each meeting of the Board of Control on the county's website, which shall in no case occur later than one week after each meeting.

Section 1.17: Executive Session

Notwithstanding the requirement in Section **1.13** ~~1.14~~ for open meetings, the Board of Control may go into Executive Session, only to discuss one or more of the topics permitted to be discussed in Executive Session **pursuant to the Ohio Open Meetings Act or any other general law permitting such Executive Session**, ~~according to Section 121.22 of the Ohio Revised Code~~. The published agenda for any meeting at which the Board of Control goes into Executive Session must include notice of the intent to go into Executive Session and a general description of the subject matter to be discussed. Prior to going into Executive Session, the Board of Control must approve a motion to go into Executive Session. That motion must be approved by a majority of members present by roll call vote, with



a quorum being present, and the motion shall state the topic(s) to be discussed in Executive Session and that no other topics may be discussed.

Section 1.18: Journal

The Clerk of the Board of Control shall maintain a Journal of the Board of Control, which shall be posted on the county's website and maintained as a permanent file, which may be in an electronic format. The Journal shall include the notice, agenda, and minutes of all Board of Control meetings.

Section 1.19: Public Meetings and Public Records

The Board of Control shall be subject to all state laws and county ordinances concerning public meetings and public records.

Section 1.20: Deadline for Agenda Items

The Clerk of the Board of Control, in consultation with the Fiscal Officer, the Director of Public Works, and the Director of the Office of Procurement and Diversity, Purchasing, may set a deadline for the submission of items for the agenda by county departments for each meeting.

Section 1.21: Consideration of Items Not on the Agenda

The Board of Control may, by 2/3 vote of members present, with a quorum being present, allow consideration of items not on the agenda or items submitted after the deadline for submission of items established by the Clerk of the Board of Control.

**Chapter 2: Contracts and Purchasing Board Established**

**Section 2.1: Contracts and Purchasing Board Established**

**There is, hereby, created the Cuyahoga County Contracts and Purchasing Board, consisting of five (5) members identified as follows:**

- a) **The Cuyahoga County Executive;**
- b) **The Fiscal Officer;**
- c) **The Director of Public Works;**

- d) The Director of the Office of Procurement and Diversity; and
- e) The Cuyahoga County Executive's Chief of Staff.

Section 2.2: Board Alternates

For each member of the Contracts and Purchasing Board, the County Executive shall appoint an alternate, who shall attend meetings of the Contracts and Purchasing Board whenever that member is unable to do so. Only employees of Cuyahoga County may be appointed as alternates. Each alternate appointed shall, according to the County Executive's best judgment, have the greatest responsibility and most knowledge in the area(s) of primary responsibility of the person that the alternate replaces. Alternates shall serve at the pleasure of the County Executive, and the County Executive shall appoint a new alternate in the same way as the original designation whenever an alternate position becomes vacant. Appointments of alternates by the County Executive shall not be subject to confirmation by County Council.

Section 2.3: Alternates Have Full Rights.

Any properly appointed alternate shall have all the rights and responsibilities of a member of the Contracts and Purchasing Board when attending a meeting on behalf of a member.

Section 2.4: Officers

The County Executive shall serve as the Chairperson and the County Executive's Chief of Staff shall serve as the Vice Chairperson of the Contracts and Purchasing Board. If both the Executive and the County Executive's Chief of Staff are absent, the Board shall choose one of its members to chair that meeting. For the purposes of this section, the County Executive and the County Executive's Chief of Staff shall include their alternates.

Section 2.5: No Additional Compensation, Collective Action, and Conflicts of Interest

- (a) No compensation in addition to a person's regular compensation as an employee of Cuyahoga County shall be provided for service on the Contracts and Purchasing Board.
- (b) The Contracts and Purchasing Board is a board created by law, and its members act collectively, and in their official capacities, in

the award of contracts and in taking any other action. It shall not be a conflict of interest for a Board member, including the County Executive or a director of a department or an office, to advocate before the Board, deliberate on, and vote for or against a contract or any other item involving his or her department or office.

Section 2.6: Clerk of the Contracts and Purchasing Board

The County Executive shall designate one staff person to serve as the Clerk of the Contracts and Purchasing Board. The Clerk shall publish the meeting agendas and notices and shall record and publish the minutes.

Section 2.7: Weekly Meetings

The Contracts and Purchasing Board shall meet weekly at regular times determined by the Board. If the Board deems it necessary, it may electe to convene more than one regular meeting per week, through its rules of procedure. The Board's Chairperson, or his or her alternate, shall have the authority to cancel meetings.

Section 2.8: Quorum

A quorum for the Contracts and Purchasing Board shall consist of three (3) members, or their alternates or replacements.

Section 2.9: Vote Required for Board Actions

Provided that a quorum is present, the Contracts and Purchasing Board may approve or disapprove any item before it, and it may adopt amendments to items before it and adopt parliamentary motions, by a majority vote of those members, or their alternates or replacements, present.

Section 2.10: Rules of Procedure

- (a) The Contracts and Purchasing Board shall, consistent with the provisions of this Ordinance, adopt its own rules of procedure.
- (b) Nothing in this Ordinance shall be interpreted to prohibit the Contracts and Purchasing Board from utilizing consent agendas.
- (c) Should any conflict arise between the rules of procedure of the Contracts and Purchasing Board and this Ordinance, the requirements of this Ordinance shall prevail.

### Section 2.11: Public Meetings and Public Records

The Contracts and Purchasing Board shall be subject to all state laws and county ordinances concerning public meetings and public records.

### Section 2.12: Public Participation

All meetings of the Contracts and Purchasing Board shall be open to the public and shall begin by providing time for public comment on matters that are on the agenda for that day. The Board shall also provide time for public comment, either at that time or later in the meeting, on matters that may come before the Board in the future. The Contracts and Purchasing Board may also require presenters to register with the Board before speaking and may set a time limit on presentations, which may be extended at the discretion of the Chairperson.

### Section 2.13: Executive Session

Notwithstanding the requirements in Sections 2.10 and 2.11 for open meetings, the Contracts and Purchasing Board may go into Executive Session, only to discuss one or more of the topics permitted to be discussed in Executive Session pursuant to the Ohio Open Meetings Act or any other general law permitting such Executive Session. The published agenda for any meeting at which the Board goes into Executive Session must include notice of the intent to go into Executive Session and a general description of the subject matter to be discussed. Prior to going into Executive Session, the Board must approve a motion to go into Executive Session. The motion to go into Executive Session must be approved by a majority of members present by roll call vote, with a quorum being present, and the motion shall state the topic(s) to be discussed in Executive Session and that no other topics may be discussed.

### Section 2.14: Agendas

The Clerk of the Contracts and Purchasing Board shall publish the notice and agenda for each Board meeting on the county's website, post them at its office, and send them by electronic mail to each member of County Council no later than 6:00 p.m. on the second business day before the meeting for a Contracts and Purchasing Board. For each proposed contract to be considered, the agenda shall list the type of contract, a summary of the scope of work, the

anticipated costs, the source(s) of funding, the anticipated start date, and the vendor's name. For agenda items other than contracts, the Contracts and Purchasing Board shall specify in its rules what documentation shall be submitted with the request.

Section 2.15: Deadline for Agenda Items

The Clerk of the Contracts and Purchasing Board, in consultation with the Director of the Office of Procurement and Diversity, may set a deadline for the submission of items for consideration by the Contracts and Purchasing Board.

Section 2.16: Consideration of Items Not on the Agenda

The Contracts and Purchasing Board Control may, by a majority vote of members present, with a quorum being present, allow consideration of items not on the agenda or items submitted after the deadline for submission of items established by the Board's Clerk.

Section 2.17: Special Meetings

(a) The Contracts and Purchasing Board may conduct special meetings at a time other than its regularly scheduled meeting times.

(b) In the event of an emergency, as determined by the County Executive in his or her discretion, the Contracts and Purchasing Board may conduct a meeting with less notice than that required by Section 2.14 of this Ordinance. For any special or emergency meeting, in addition to the notice requirements of Section 2.14, the Board shall also send notice to all news media organizations that request to be notified of such meetings. A meeting may be conducted with less than twenty-four (24) hours only to respond to an emergency, as determined by the County Executive in his or her discretion, concerning which immediate official action is required, and the notice and agenda shall state the nature of the emergency requiring such action.

Section 2.18: Minutes

The Clerk of the Contracts and Purchasing Board shall promptly prepare and publish the minutes of each Board meeting on the county's website, which shall in no case occur later than one week after each meeting.

**Section 2.19: Journal**

**The Clerk of the Contracts and Purchasing Board shall maintain a Journal of the Board, which shall be posted on the county's website and maintained as a permanent file, which may be in an electronic format. The Journal shall include the notice, agenda, and minutes of all Board meetings.**

**Chapter 3 ~~2~~: Approvals Required for Contracts, Purchases and Sales, Leases, Grants and Loans**

Section **3.1** ~~2.1~~: County Executive's Authority

- a) The County Executive, through the appropriate departments of county government acting under his/her direction **or other county entities**, may solicit bids; enter into all contracts; manage contracts through their conclusion and execute all necessary documents for the administration and conclusion of contracts; accept completeness of projects; terminate contracts; release escrow funds upon conclusion of contracts; apply for, accept, or make grants; purchase, sell, and lease any real estate or real estate interests; accept or grant access, easements, licenses, and other rights of entry on real estate; and provide or enter into loans, provided that all requirements of this Ordinance applicable to that action are met. For actions requiring approval of the County Council or the Board of Control, such approvals shall be obtained prior to execution of the action. Actions not requiring approval of either the County Council or the Board of Control may be executed by the County Executive in accordance with procedures established by this Ordinance and the County Executive.
  
- b) The County Executive may perform any of the functions that he or she may perform under this Ordinance through his or her duly authorized designees.

*Amended in Ordinance No. O2011-0030 on July 26, 2011.*

Section **3.2** ~~2.2~~: Usage of the Terms "Contract and "Sale"

For the purposes of the ordinance:

- a) "contract" shall not include an employment contract between the County and any regular full-time or part-time employee of the County or any contract entered into in settlement of litigation; and
- b) "sale" shall include only sales of assets.

Section ~~3.3~~ ~~2-3~~: Definition of Value

For the purposes of this Ordinance, the value of any contract, purchase, sale, grant, or loan shall be the total amount obligated, received or contracted for, even if over multiple years, but shall not include any optional extensions. Whenever a construction or renovation project requires the execution of two or more contracts, the sum of the value of the multiple contracts required shall be used as the value for each contract, except that contracts for phases of a construction or renovation project, executed before it is known whether the total project cost will exceed \$500,000, may be handled as a separate contract.

Section ~~3.4~~ ~~2-4~~: Thresholds for Options of Contracts

Exercise of an option on a contract shall require approval of the County Council, ~~or the Board of Control,~~ **or the Contracts and Purchasing Board** if the thresholds provided for in Sections **3.10, 3.11, and 3.12,** ~~2-10 (a)(1) and 2-11(a),~~ respectively, for approval of contracts are met.

Section ~~3.5~~ ~~2-5~~: Contracts with Multiple Vendors

- a) Unless an exemption is approved under Section **3.5(b)** ~~2-5(b)~~ herein, the values of proposed contracts to be entered pursuant to a single Request for Bids (RFB), Request for Proposals (RFP), or Request for Qualifications (RFQ) shall be aggregated and treated as a single contract for purposes of applying the monetary thresholds under sections **3.10, 3.11, and 3.12,** ~~2-10 and 2-11.~~
- b) Requests for exemption from the requirements of Section **3.5(a)** ~~2-5(a)~~ shall be submitted to the Board of Control, which is hereby authorized to review such requests and to approve or disapprove them.

*Amended in Ordinance No. O2011-0030 on July 26, 2011.*

Section ~~3.6~~ ~~2-6~~: Definition of New Item

For the purposes of this Ordinance, a "new item" in a change order or amendment to a contract is any item not provided for in the prior version of the contract, and does not include a change in the quantity, version,

style, manufacturer, or supplier of any item included in the prior version of the contract.

Section 3.7 ~~2-7~~: Change Orders or Amendments on Contracts

A change order or amendment to a contract may be presented in the form of a list of proposed changes, rather than submitting items individually. For the purposes of this Ordinance, the value of a change order or amendment submitted as a list of items shall be the greater of:

- a) the net change to the value of the contract after all additions, are added and all deletions or reductions are subtracted; or
- b) the total value of all new items, as defined in Section 3.6 ~~2-6~~ of this Ordinance, in the change order or amendment.
- c) the term "change order or amendment" shall include the use of county contingency funds.

Section 3.8 ~~2-8~~: Approval Thresholds for Change Orders or Amendments

For the purposes of this Ordinance, a change order or amendment to a contract shall not be considered a separate contract and shall be subject to the requirements of Sections 3.10(a)(7) and 3.11(c) ~~2-10(a)(7) and 2-11(e)~~ of this Ordinance.

Section 3.9 ~~2-9~~: Single Approval Generally Required; Exceptions

Except as provided for in Sections 3.10(a)(7) and (8) and Sections 3.11(c) and (d), ~~2-10(a)(7) and (8) and Sections 2-11(e) and (d)~~, approvals provided for in Sections 3.10, 3.11, and 3.12 ~~2-10, and 2-11~~ of the Ordinance shall be required to enter into a contract, lease, purchase, sale, loans made by the County, and grants made by the County ~~or lease, to accept a grant, or to make a purchase, sale, grant, or loan~~ and not at other stages of the process of completing these transactions.

Section 3.10 ~~2-10~~: Items Requiring County Council Approval

- a) The following transactions and other actions shall require approval by the County Council:
  - 1) All contracts, purchases, sales, grants provided by the county, or loans provided by the county for more than \$500,000.00;



- 2) Any loan in which the county, or any entity thereof, is the borrower;
  - 3) All contracts, purchases, loans, leases, or other transactions which create an obligation which would require the appropriation of additional funds not previously authorized;
  - 4) All purchases or sales of real estate or real estate interests for any purpose other than making or repairing roads, including bridges, for more than \$50,000.00 and all leases of real estate or real estate interests as lessor or lessee in which the value of the purchase, sale, or lease is more than \$50,000.00;
  - 5) All purchases, sales, or leases of real estate in excess of six months other than at fair market value;
  - 6) All transfers of cash or appropriation authority between accounts within the county budget and all appropriation changes that result in an increase or decrease in authorized appropriations;
  - 7) Any change order or amendment to a contract that is submitted to the Board of Control and does not receive an affirmative vote of one County Council member on the Board of Control.
  - 8) Any other specific contract, purchase, sale, lease, grant made by the County, or loan made by the County, or any exemption, procedure, or other action within the process of completing any such contract, purchase, sale, lease, grant made by the County, or loan made by the County for which the County Council, by Motion of Council, requires approval of the County Council.
- b) Sections 3.10(a)(4) and (5) ~~2-10 (a) (4) and (5)~~ are not intended to interfere with the Executive and Director of Public Works' ability to manage the County's property, including, without limitation, granting access, easements, licenses, rights of way, or other rights of entry on the County's property and establishing the terms for such entry without seeking Council approval for such action.

*Amended in Ordinance No. O2011-0030 on July 26, 2011, and in Ordinance No. O2011-0033 on August 9, 2011.*

Section 3.11 ~~2-11~~: Items Requiring Board of Control Approval

The following transactions and other actions shall require approval by the Board of Control:

- a) All contracts, purchases, **sales**, grants provided or by the County, or loans provided by the County for more than \$100,000.**00** but not more than \$500,000.**00**, except that the County Executive and/or the Director of Economic Development may make loans of not more than \$200,000.**00** without approval from the Board of Control for the limited purpose of implementing the Federal Neighborhood Stabilization Program.
- b) All purchases or sales of real estate or real estate interests for more than \$10,000.**00** but not more than \$50,000.**00** and all leases of real estate or real estate interests as lessor or lessee in which the total value of the transaction is more than \$10,000.**00** but not more than \$50,000.**00**.
- c) Any change order or amendment with a value of \$25,000.**00** or more using the definition provided in **Section 3.7** ~~Section 2.7~~ of this Ordinance for contracts with a value of less than five million dollars or \$50,000.**00** or more for contracts with a value of five million dollars or more.
- d) Any other specific contract, purchase, sale, lease, grant, or loan or any procedure within the process of completing any such contract, purchase, sale, lease, grant or loan for which the County Council, by Motion of Council, requires approval of the Board of Control.
- e) Any other specific contract, purchase sale, lease, grant **made by the County**, ~~exemption or~~ loan **made by the County, or any exemption, or procedure, or other action** within the process of completing any such contract, purchase, sale, lease, grant exemption, or loan that does not otherwise require Council or Board of Control approval, but the County Executive determines to submit to the Board of Control for its consideration, review, and approval or denial.
- f) All purchases, including, the acquisition through settlement of eminent-domain litigation, of any real estate interests for the purpose of making or repairing roads, including bridges, in excess of \$50,000.00.
- g) **Any other contract, contract amendment, change order, purchase, sale, lease, grant made by the County, loan made by the County, exemption, procedure, or other action that requires approval by the Board of Control pursuant to any other provision of this Ordinance or any other County ordinances.**

*Amended in Ordinance No. O2011-0030 on July 26, 2011, and in Ordinance No. O2011-0033 on August 9, 2011.*

Section 3.12 ~~2.12~~: Items Requiring Contracts and Purchasing Board Approval

The following transactions and other actions shall require approval by the Contracts and Purchasing Board:

- a) All contracts, purchases, sales, grants provided by the County, and loans provided by the County for \$500.00 or more that do not otherwise require County Council or Board of Control approval.
- b) Any other contract, contract amendment, change order, purchase, sale, lease, grant, loan, exemption, procedure, or any other action that requires approval by the Contracts and Purchasing Board pursuant to any other provision of this Ordinance or any other County ordinances.
- c) Any other contract, contract amendment, change order, purchase, sale, lease, grant, loan, exemption, procedure, or other action that does not otherwise require approval by the County Council, Board of Control, or the Contracts and Purchasing Board, but the County Executive determines to submit to the Contracts and Purchasing Board for its consideration, review, and approval or denial.

Section 3.13: Monthly Reports on Contract Changes

During any construction or renovation project, the director of the department responsible for the project in conjunction with the project manager, or other person responsible for the project shall provide the following information monthly to the Board of Control:

- a) A description of all changes made in the project since the previous report and the cost or savings associated with each change, and
- b) The percentage of contingency funds used in the project up to that point and how that percentage compares with the projected use of contingency funds at that point in the project.

*Amended in Ordinance No. O2011-0030 on July 26, 2011.*

Section 3.14 ~~2.13~~: Identification of Funding Sources

Any item submitted to the County Council, ~~or~~ the Board of Control, or the Contracts and Purchasing Board which includes a request for approval

for the expenditure of money shall specify the funding source(s) to be used.

Section 3.15 ~~2-14~~: Experts or Consultants

The County Executive may enter into a contract with experts or consultants in connection with the administration of the affairs of the county, as provided for in Article 3, Section 9, Subsection 3 of the Cuyahoga County Charter, subject to the approval process and other requirements regarding contracts provided for in this Ordinance and the specific notice requirement provided for in Section 5.4 ~~4-4~~ of this Ordinance.

Section 3.16 ~~2-15~~: County Executive Emergency Authority

In an emergency which threatens the life, health, or property in the county, as declared and determined by the County Executive, and in which official action is needed prior to when a meeting of the County Council, ~~or the Board of Control,~~ **or the Contracts and Purchasing Board** could take place, the County Executive may enter into contracts or leases or make purchases not to exceed \$500,000.**00** for any one emergency event, without obtaining the approval of the County Council, ~~or the Board of Control,~~ **or the Contracts and Purchasing Board**. Whenever this power is exercised, the County Executive shall immediately send a report to County Council and post the report on the county's website, describing the nature of the emergency, the actions taken, and the estimated cost and sources of funding for the actions taken.

*Amended in Ordinance No. O2011-0030 on July 26, 2011.*

Section 3.17 ~~2-16~~: Grant Application and Acceptance of Grants

The County Executive may apply for and accept grants on behalf of the county without specific approval from the **Contracts and Purchasing Board,** ~~the Board of Control,~~ or the County Council, provided that any expenditures of grant funds shall be made from funds properly appropriated and any purchases, grants, leases, or loans made using grant funds shall be done in accordance with the provisions of this Ordinance.

*Amended in Ordinance No. O2011-0030 on July 26, 2011.*

Section 3.18 ~~2-17~~: Referral to County Council

The County Executive may refer an item to the County Council for approval that otherwise would require approval from the Board of Control or the Contracts and Purchasing Board.

## **Chapter 4.3: General Provisions**

### **Section 4.1 ~~3-1~~: Director of Procurement and Diversity to Execute Purchases**

All purchases of goods and services shall be done by the Director of Procurement and Diversity, under the direction of the County Executive. The various departments may use office vouchers for purchases not to exceed \$1,000 and procurement cards for purchases of less than \$500.

### **Section 4.2 ~~3-2~~: Legal Review**

All contracts, purchases, sales, leases, grants, or loans must undergo legal review before being executed. Use of a standard form, approved in advance by the Law Department for a specific type of transaction, shall satisfy the requirement of this section.

### **Section 4.3 ~~3-3~~: Appropriation and Warrant Procedures**

All expenditures related to any contract, purchase, sale, lease, grant, or loan must be made in accordance with the appropriation and proper warrant provisions of Section 5705.41 of the Ohio Revised Code.

### **Section 4.4 ~~3-4~~: Competitive Bidding Required; Exceptions**

- a) Except as provided in Section 4.13 ~~3-13~~(b) of this Ordinance and Subsection (b) below, all contracts, purchases, or leases shall be done in accordance with the competitive bidding procedures provided for in Sections 307.86 through 307.921 of the Ohio Revised Code.
- b) Competitive bidding is not required when any of the following apply:
  - 1. The estimated cost is less than \$25,000;
  - 2. The purchase is for professional services, such as architectural, legal, medical, financial, insurance, information technology, engineering, consulting, surveying, appraisal, brokerage, or construction management services;

3. The purchase is made in response to an emergency as provided for in Section ~~3.162-15~~ of this Ordinance or the purchase is approved by the County Council, ~~or~~ the Board of Control, or the Contracts and Purchasing Board, as applicable, to be made without competitive bidding in response to an emergency;
4. Contracts for the purchase of real property or real estate interests;
5. Leases of real estate or real estate interests as lessee, in which all of the following apply:
  - i. The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property;
  - ii. The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Ohio Revised Code as modified by Section 4.13 ~~3-13~~ of this Ordinance; and
  - iii. The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.
6. The purchase is for used personal property, material, or supplies which are to be sold by the submission of written bids or at an auction open to the public;
7. The purchase is for services, supplies, replacements or supplemental parts, for a product or equipment owned or leased by the county, and the only source of the services, supplies, replacements or parts is limited to a single supplier;
8. The purchase is for services related to information technology, such as programming services, that are proprietary or limited to a single source;

9. The contract is with or the purchase is from the federal government, the state, another county or contracting authority of another county, ~~or~~ a board of education, a township, or a municipal corporation, a court, or any other one or more political subdivisions;
10. The purchase is made by a county department performing the duties provided for in Section 329.04 of the Ohio Revised Code and consists of family services duties or workforce development activities;
11. The purchase is made by a public children services agency performing the duties provided for in Section 5153.16 of the Ohio Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children;
12. The purchase consists of criminal justice services, social services programs, family services, or workforce development activities from nonprofit corporations or associations under programs funded by the federal government or by state grants;
13. The purchase is for an insurance policy, health care plan, or child care services for provision to county employees and is done in accordance with Section 307.86(F) of the Ohio Revised Code;
14. The purchase is for goods and services provided by persons with severe disabilities and provided for in Sections 4115.31 through 4115.35 of the Ohio Revised Code;
15. ~~The Executive at a public meeting~~ **The Contracts and Purchasing Board** determines, **upon its review of a request for an exemption from the requirements of competitive bidding,** that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with Section 307.862 of the Ohio Revised Code, as modified by Section **4.13(B)** ~~3.13(B)~~ of this Ordinance;
16. **The Board of Control determines, upon its review of a request for an exemption from the requirements of competitive bidding, that an alternative procurement process would be advantageous to the County. The request to the Board must specify the details of the proposed alternative procurement process, and the Board may**

approve the request as presented or may impose any other changes or additional requirements as it deems appropriate.

17. The program, contract, or agreement is funded through a federal, state, or other grant or program and is awarded by the County to the recipient(s) pursuant to the criteria or requirements of the grant or program, such as contracts entered pursuant to the Community Development Block Grant Program, the Store Front Renovation Rebate Program, the McKinney Vento Homeless Assistance Renewal Grant, or other similar grants or programs. To be eligible for this exemption, the program's criteria and requirements for the selection of the recipients must first be approved by the Contracts and Purchasing Board. This approval can be done singularly for the entire program without the need for individualized consideration.
  18. The purchase is for any other purpose that may be done without competitive bidding according to Section 307.86 of the Ohio Revised Code;
  19. The purchase is made through a joint purchasing program authorized by the Ohio Revised Code, including, but not limited to, Ohio Revised Code Section 9.48; and,
  20. The purchase is made through a state contract authorized by the Ohio Revised Code, including, but not limited to, Ohio Revised Code Section 125.04 and Ohio Revised Code Section 5513.01.
- c) Any purchase of professional design services provided by architects, engineers, or surveyors shall be done as provided for in Sections 153.65 through 153.71 of the Ohio Revised Code. The contracting authority, however, may deviate from the requirements of Ohio Revised Code Section 153.691 if the County Executive, with the approval of the Board of Control, determines that doing so would be advantageous to the County.
- d) ~~The Office of Procurement and Diversity is charged with verifying the qualifications of purchases made under Sections 3.4(B) (7) and (8). Each purchase made under these sections must undergo the mandatory verification in advance of initiating the purchasing process in accordance with the uniform procedures adopted by the Office of Procurement and Diversity in consultation with the Department of Law.~~



d) Except in the case of contracts and purchases made under 3.4(B)(9), (17), and (18), in the case of contracts on behalf of courts with any other courts or other political subdivisions, Sections 4.4(b)(9) and 17 herein, or when unless a request for an exemption is granted by the County Executive at a public meeting, Contracts and Purchasing Board, as presented or with any other changes or additional requirements deemed appropriate by the Board, if the County seeks to make contracts or purchases of \$25,000.00 or more other than by competitive bidding, and the county contracting authority is able to identify multiple more than one sources through which the purchase could be made, the contracting agency shall:

1. Develop requests for proposals or qualifications, specifying the products or services to be purchased and the criteria that will be considered prior to making the purchase;
2. Receive responses from prospective vendors meeting the criteria specified in the request for proposals or qualifications by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Ohio Revised Code as modified by Section 3.13(B) of this Ordinance; and
3. The contracting authority negotiates with the prospective vendors to obtain a contract which best satisfies the criteria specified in the request for proposals or qualifications.

e) If the County seeks to make contracts or purchases greater than \$1,000.00, but less than \$25,000.00, and the contracting authority is able to identify multiple sources through which the contract or purchase could be made, the contracting authority shall seek informal quotes or proposals from multiple vendors in accordance with the procedures established by the Office of Procurement and Diversity.

f) A contracting authority that is unable to identify more than one source through which the contract or purchase can be made pursuant to the requirements of Sections 4.4(d) and (e) herein shall make a request to the Contracts and Purchasing Board for approval to seek a contract with or purchase from the sole-source provider. The request for approval shall be made on a form established by the Office of Procurement and Diversity, and approved by the Law Department, and shall include a verified statement by the vendor, subject to the penalty of perjury, certifying the vendor's sole-source status. If the sole-source request is approved, the purchase or contract must still receive the requisite approval by the County Council, Board of

**Control, or Contracts and Purchasing Board pursuant to Section 3.10, 3.11, or 3.12.**

*Amended in Ordinance No. O2011-0030 on July 26, 2011.*

Section ~~4.5~~ ~~3-5~~: Procedure Manuals

Except as otherwise provided in this Ordinance, all contracts, purchases, sales, or leases shall be done in accordance with:

- a) the Purchasing Policy and Procedure Manual, dated January, 2006, amended December 21, 2006;
- b) the Request for Proposal (RFP) Manual, adopted December, 2006;
- c) the Small Business Enterprise (SBE) Program Policies and Procedures, adopted December 20, 2005, as amended, including the SBE Price Preference Policy adopted on October 1, 2009, and the SBE Requirements for Economic Development Bond Funded Projects, adopted October 29, 2009.

Section ~~4.6~~ ~~3-6~~: County Executive to Propose Revisions to Procedure Manuals

On or before December 31, 2011, the County Executive shall submit legislation to County Council, proposing revisions to each of the documents listed in Section ~~4.5~~ ~~3-5~~ of this Ordinance to update them and align them with the provisions of this Ordinance. This proposed legislation may propose dividing these documents into sections to be adopted by ordinance and other sections to be adopted by and which may be amended by administrative rule.

Section ~~4.7~~ ~~3-7~~: Standards for Awarding Contracts

Contracts and purchases which require competitive bidding, and are awarded in accordance with this Ordinance shall be awarded to the lowest and best bidder meeting the specifications that are most advantageous to Cuyahoga County. The County reserves the right to consider all elements entering into the question of determining the lowest and best bid, including the following:

- a) whether the bidder has the appropriate experience, reputation, and workforce to perform the required work;
- b) the bidder's past performance on legal and ethical matters;

- c) whether the bidder exhibits a history of workforce stability and workplace safety, and provides workers a fair wage and fair benefits, as evidenced by payroll and employee records, for the required work, based on market conditions;
- d) whether the bidder has adhered to all conditions and requirements of the bid and specifications;
- e) the quality of the product or service provided by the bidder on previous projects;
- f) with respect to a bidder whose bid is substantially below that of the next lowest bidder, supplemental details regarding the bid and/or historical information regarding performance and costs on similar contracts to demonstrate the bidder's ability to complete the contract at the price specified;
- g) whether the bidder is able to comply with the criteria outlined in Section 4.8 ~~3-8~~ of this Ordinance;
- h) whether the bidder's past performance has demonstrated a commitment to diversity in employment and subcontracting;
- i) maintenance costs and warranty provisions provided for in the bid;
- j) the delivery or completion date provided for in the bid;
- k) whether, with respect to work done in construction trades , the bidder will use only construction trades personnel who were trained in a state or federally approved apprenticeship program or career technical program, or who are currently enrolled in a state or federally approved apprenticeship program or career technical program, or who have at least three years of experience in a particular trade; except that for the purposes of full inclusion and creation of entry-level opportunities, up to ten percent (10%) of the construction trades personnel may be participants in pre-apprenticeship programs or otherwise have less training and experience;
- l) whether the bidder, unless otherwise agreed to in a collective bargaining agreement, contributes to an employee pension or retirement plan for those employees working on the contract, such benefits being part of the employees' regular compensation and not merely on the contract, and provides evidence thereof upon request;
- m) whether the bidder, unless otherwise agreed to in a collective bargaining agreement, makes available a minimum health care plan for

those employees working on the contract, such benefits being part of the employees' regular compensation and not merely on the contract and provides a copy of the plan on request;

- n) whether the bidder meets any other requirements determined by the County to be specifically relevant to the proposed contract.

*Amended in Ordinance No. O2011-0030 on July 26, 2011.*

Section ~~4.83~~-8: Required Certifications by Successful Bidders

At the time of execution of the contract, the successful bidder shall certify that it:

- a) shall be in compliance with Ohio's Drug-Free Workplace requirements, including, but not limited to, maintaining a substance abuse policy that its personnel are subject to on the contract (the successful bidder shall provide this policy upon request);
- b) does not have an Experience Modification Rating greater than 1.5 with respect to the Bureau of Workers Compensation risk assessment rating;
- c) is in compliance and will remain in compliance with Federal and Ohio Equal Opportunity Employment Laws;
- d) shall pay the prevailing wage rate and comply with other provisions set forth in Sections 4115.03 through 4115.16 of the Ohio Revised Code and Sections 4101:9-4-01 through 4101:9-4-28 of the Ohio Administrative Code, including but not limited to the filing of certified payroll reports;
- e) has not been debarred from public contracts for prevailing wage violations or found or determined by the state to have underpaid the required prevailing wage, whether intentionally or unintentionally, even if settled subsequent to the finding, more than three (3) times in the last ten (ten) years, provided that, when aggregating for any single project, no finding of an underpaid amount of less than \$1,000.00 shall be considered, and no single finding based upon a journeyman-to-apprenticeship ratio shall be considered a violation of this provision unless as part of multiple, similar findings;
- f) has not been penalized or debarred from any federal, state, or local public contract or falsified certified payroll records, or has otherwise been found, after appeals, to have violated the Fair Labor Standards

Act in the past seven (7) years, or during the bidder's entire time of doing business, if less than seven (7) years;

- g) has not had the professional license of any of its employees revoked for malfeasance or misfeasance;
- h) has not violated any unemployment or workers compensation law during the past five (5) years, or during the bidder's entire time of doing business, if less than five (5) years;
- i) at the time of contract award, does not have final, unsatisfied judgments against it which in total amount to 50% or more of the contract amount;
- j) will utilize, for work performed under the contract supervisory personnel that have three (3) or more years of experience in the specific trade and who maintain the appropriate state license(s), if any;
- k) shall be properly licensed to perform all work as follows:
  - 1. if performing a trades contract, shall be licensed pursuant to Ohio Revised Code Section 4740 as a heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor;
  - 2. if performing work regulated under Section 3737.65 of the Ohio Revised Code, be certified by the State Fire Marshall;
  - 3. if performing work under any other trade, occupation, or profession licensed under Title 47 of the Ohio Revised Code, be licensed for that trade, occupation, or profession as provided in the Ohio Revised Code;
- l) shall, if performing a trade contract pursuant to Ohio Revised Code Section 4740, not subcontract more than twenty-five percent (25%) of the labor, excluding materials, for its awarded contract, unless to subcontractors also licensed pursuant to Ohio Revised Code Section 4740 or certified by the State Fire Marshall pursuant to Ohio Revised Code Section 3737.65;
- m) shall provide access as needed and allow the Agency of the Inspector General to perform the functions provided for in Section 4.12 ~~3.12~~ of this Ordinance.

- n) shall require all of its subcontractors, at the time of execution of a subcontract, to make all of the certifications required in Section 3.8, except for Subsections g, h and j.

*Amended in Ordinance No. O2011-0030 on July 26, 2011.*

Section ~~4.9~~3-9: Remedies for Breach of Contract

If any material breach of contractual obligations or the certifications provided for in Section ~~4.8~~ 3-8 of this Ordinance occurs during the contract performance by the vendor, the County may exercise any or all contractual remedies, including, but not limited to, contract termination for cause.

Section ~~4.10~~ 3-10: Ethics Compliance Required

No contract shall be entered into unless all the provisions of state law and county ordinances related to ethics policy have been met.

Section ~~4.11~~ 3-11: Unlawful Interest in a Public Contract

Any contract entered into in violation of Ohio Revised Code Section 2921.42(H) and/or related county ordinances concerning unlawful personal interest in a public contract shall be void and unenforceable.

Section ~~4.12~~ 3-12: Inspector General's Authority

The Inspector General shall have the power to audit, investigate, inspect and review the operations, activities, and performance of the contracting and procurement processes of Cuyahoga County government in order to detect corruption and fraud and insure compliance with this Ordinance and state and county ethics laws relating to contracting and procurement. Areas within the purview of such power shall include the following:

- a) the establishment of bid specifications,
- b) bid submittals,
- c) activities of contractors, including their departments, agents, and employees that specifically relate to performance on a contract with the county,
- d) relevant activities of public officials and employees of the county.

Provided that, in the reasonable judgment of the Inspector General's agency, doing so does not jeopardize any existing or anticipated investigation, the Inspector General's agency shall promptly report any wrongdoing to the County Executive, the County Council, Director of Public Works, the Director of Procurement and Diversity, the Director of Law, the Prosecuting Attorney, and other appropriate officials, as needed, to insure that proper action is taken in response to its findings.

Section 4.13 3-13: Home Rule Powers Asserted

~~To the extent permitted under the home rule powers available to Cuyahoga County as a charter county,~~ **Notwithstanding any requirements of the Ohio Revised Code, Ohio Administrative Code, or any other applicable law or regulation, pursuant to the County's home rule powers,** the County Executive or his/her designees may:

- a) issue requests for bids, proposals, or qualifications which allow the responder to choose among two or more alternative approaches for completing the work;
- b) advertise for bids or request proposals or qualifications either on-line through the county's website or through a newspaper of general circulation that serves the county, or both, with the option to supplement such advertising through the use of additional media;
- c) on or after August 1, 2011, and in accordance with any implementing legislation on alternative construction delivery systems enacted by County Council, choose among the various available construction project delivery systems, in order to achieve the best possible combination of cost, quality, time to completion, and risk control.

Section 4.14 3-14: Encouragement of Diversity

In designing specifications for bids, requests for proposals, and requests for qualifications, the county shall consider dividing requests into smaller components when doing so would create a larger pool of potential bidders without reducing the cost-effectiveness of the project.

Section 4.15 3-15: General Contracting Authority of the County Executive

- a) This Ordinance is intended to fulfill any state, federal, or other requirement for a Resolution or Ordinance granting the County Executive the authority to apply for or accept grants on behalf of the County.

- b) This Ordinance is intended to fulfill any state, federal, or other requirement for a Resolution or Ordinance granting the County Executive the authority to enter into a contract **or perform any other act allowed by this Ordinance** unless approval for such action is specifically required under Sections **3.10, 3.11, and 3.12.** ~~2.10 and 2.11.~~
- c) This Ordinance shall not be construed to limit or to restrict the powers, duties, and responsibilities of the County Executive as provided by the Charter or state law and the listing of any specific powers, duties, or responsibilities of the County Executive in this Ordinance shall not be construed to exclude any other power, duty, or responsibility provided for the Charter or by the general law of the State of Ohio.

*Amended in Ordinance No. O2011-0030 on July 26, 2011.*

## **Chapter 5 4: Notification Requirements**

### **Section 5.1 4.1: Procurement Database**

The County Executive shall develop, maintain, and post on the county's website a procurement database, which shall include two separate parts, which shall contain descriptions of:

- a) all executed contracts, purchases, and sales, other than real estate transactions, for \$1000.**00** or more; and
- b) all executed purchases, sales, leases (as either lessor or lessee) of real estate.

The database shall be searchable by purpose, vendor, purchaser, dollar amount, funding source, department, transaction date, and other relevant factors.

### **Section 5.2 4.2: Grants and Loans Database**

The County Executive shall develop, maintain, and post on the county's website a grants and loans database, which shall include two separate parts, which shall contain descriptions of:

- a) all grants and loans received, searchable by purpose, funding source, department, date of receipt, length of term, and other relevant factors; and



- b) all grants and loans provided, searchable by purpose, recipient, funding source, department, date provided, and other relevant factors.

Section 5.3 4-3: Pending Transactions Database

The County Executive shall develop, maintain, and post on the county's website a pending transactions database, which shall include four separate parts, describing all pending transactions of \$50,000.00 or more which have been initiated by formal, public action but not yet completed, as follows:

- a) contracts, purchases, and sales, other than real estate transactions,
- b) real estate transactions,
- c) grants and loans to be received, and
- d) grants and loans to be provided.

The database shall provide a log of date and event for each major step in the process for each transaction and shall be searchable by purpose, department, date of initiation, funding source, and other relevant factors.

Section 5.4 4-4: Special Procurement Events Database

The County Executive shall develop, maintain and post on the county's website a special procurement events database, which shall include two parts, as follows:

- a) Any time that the County Executive initiates formal, public action to contract for goods or services that are substantially different from goods or services that the county currently contracts for or has contracted for within the last three (3) years. Contracting to achieve the same purpose using improved technology shall not require notice under this subsection unless the new technology is sufficiently different so as to constitute an entirely new product; and
- b) Any time that the County Executive initiates formal public action to contract for the services of experts or consultants as provided for in Article 3, Section 9, Subsection 3 of the Charter.

The County Executive shall promptly send specific notice to the County Council whenever any of these events occur.

Section 5.5 ~~4-5~~: Notification to County Councilperson

Whenever the County Executive initiates the formal, public action for a contract, purchase, sale, lease, grant, or loan with an expected value of \$25,000.00 or more that is located in or primarily affects a particular County Council District, the County Executive shall provide written notification to the Councilperson from that district.

Section 5.6 ~~4-6~~: Timeline for Databases and Notifications

The County shall exercise best efforts to ensure that the databases provided for in Sections 5.1 through 5.4 ~~4.1 through 4.4~~ of this Ordinance are in operation and posted on the county's website and the notification process provided for in Section 5.5 ~~4-5~~ of this Ordinance are in operation starting not later than September 30, 2011, with the exception that the searchable features of the databases are in operation no later than March 31, 2012. Prior to the required initiation dates for the databases and notification processes provided for in Sections 5.1 through 5.5 ~~4.1 through 4.5~~ of this Ordinance, the County Executive shall use available resources to make available to the County Council and the public as much as possible of the information required in these sections.

Section 5.7 ~~4-7~~: Historical Information not Required in Databases

The databases provided for in Sections 5.1 and 5.2 ~~4.1 and 4.2~~ of this Ordinance shall be required to include only transactions executed on or after the initiation date of each part of these databases. The databases provided for in Sections 5.3 and 5.4 ~~4.3 and 4.4~~ shall be required to include only transactions initiated by formal, public action on or after the initiation date of each part of these databases.

Section 5.8 ~~4-8~~: Exclusion of Confidential Information

Notwithstanding any other provisions of this chapter, the databases provided for in Sections 5.1, 5.2, 5.3, and 5.4 ~~4.1, 4.2, 4.3, and 4.4~~ of this Ordinance shall not include any information required to be kept confidential by federal or state law or federal or state administrative rule and may exclude any other information that is not a public record according to Section 149.43 of the Ohio Revised Code.

Section 5.9 ~~4-9~~: Notice of Executed Contracts, Purchases and Sales

On or about the 5th calendar day prior to each regular meeting of County Council, the Executive shall provide the County Council a list of all contracts, purchases or sales executed and all grants or loans made or

received for more than \$50,000.00 since the previous list was provided. Any change or amendment in which the total additions exceed \$50,000.00 shall also be included. Provided that all other requirements of this Ordinance have been met, this list does not need to be provided prior to the transactions being executed.

**SECTION 2: Effective Date.** It is hereby found and determined necessary for this Ordinance to become immediately effective, for the reasons that this Ordinance provides for the usual daily and necessary operations of Cuyahoga County government. Therefore, this Ordinance, provided that it receives the affirmative vote of at least eight (8) members of County Council, shall be in full force and effect from and immediately after the earliest time permitted by law.

**SECTION 3:** 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.

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