

AGENDA
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, APRIL 26, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE - RETIRED CITY OF CLEVELAND POLICE OFFICER JAMES SIMONE
3. SILENT MEDITATION
4. ROLL CALL
5. PUBLIC COMMENT RELATED TO AGENDA
6. APPROVAL OF MINUTES
 - a) April 19, 2011 Special Meeting
7. MESSAGES FROM THE COUNTY EXECUTIVE
8. CONSIDERATION OF A MOTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES
 - a) M2011-0027: A Motion to appoint individuals to serve on Boards of Revision for Cuyahoga County:
 - 1) James McMullen
 - 2) Jeffrey Ledel
 - 3) Robert Hennessy
 - 4) Michael Alexander
 - 5) Roger Kramer
 - 6) Ann Gerhart

Sponsor: Council President Connally
9. CONSIDERATION OF A MOTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE
 - a) M2011-0028: A Motion confirming the County Executive's appointment of Veronica A. Rice to serve on the County Audit Committee.

Sponsor: Council President Connally

- b) **M2011-0029: A Motion confirming the County Executive's appointment of Nick Neforos to serve on the County Audit Committee.**

Sponsor: Council President Connally

10. COMMITTEE REPORT AND CONSIDERATION OF MOTIONS OF COUNCIL FOR SECOND READING ADOPTION

- a) **M2011-0018: A Motion confirming the County Executive's appointment of Norberto Colon to serve on the Public Safety Urban Area Working Group.**

Sponsor: Council President Connally

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

- b) **M2011-0019: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Planning Commission:**

- 1) Mayor Eileen Patton, Fairview Park (Westshore Region)
- 2) Mayor Michael Procuik, Brooklyn Heights (Cuyahoga Region)
- 3) Ed Jerse, Director of Regional Collaboration
- 4) Nathan Kelly, Deputy Chief of Development (alternate to County Executive Edward FitzGerald)

Sponsor: Council President Connally

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

- c) **M2011-0020: A Motion confirming the County Executive's appointment of individuals to serve on Tax Incentive Review Councils:**

- 1) Jeffery Schiffman
- 2) Jonathan Holody
- 3) Andrew Revy
- 4) Joe Micciulla, Chair

Sponsor: Council President Connally

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

- d) **M2011-0021: A Motion confirming the County Executive’s appointment of Nick Nardi to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.**

Sponsor: Council President Connally

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

- e) **M2011-0024: A Motion confirming the County Executive’s appointment of individuals to serve on the District One Public Works Integrating Committee of Cuyahoga County:**

- 1) **Bonita Teeuwen, Director of Public Works**
- 2) **Douglas L. Dillon, MBA, PE, PS, Cuyahoga County Engineer**

Sponsor: Council President Connally

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

- f) **M2011-0025: A Motion confirming the County Executive’s appointment of David W. Whitehead to serve on the Cuyahoga Community College Board of Trustees.**

Sponsor: Council President Connally

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

- g) **M2011-0026: A Motion confirming the County Executive’s appointment of Matthew Carroll to serve as *ex officio* representative on the Gateway Economic Development Corporation of Greater Cleveland Board of Trustees.**

Sponsor: Council President Connally

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

11. CONSIDERATION OF A MOTION OF COUNCIL FOR ADOPTION

- a) **M2011-0007**: A Motion adopting permanent Rules of Cuyahoga County Council.

Sponsors: Miller, Greenspan, Conwell, Jones and Rogers

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

- a) **O2011-0023**: An Ordinance amending Cuyahoga County's permanent Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Greenspan

13. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) **O2011-0024**: An Ordinance amending County Resolution Nos. 052208 and 052209, each dated 6/2/2005, which established charges payable for connection to the County's water and sewer supply facilities in County Sewer District No. 14 for the period 12/30/2010 - 12/29/2011 and County Council Ordinance No. 02011-0007 as amended; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Greenspan

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

- a) **O2011-0020**: An Ordinance providing for complimentary parking for members of the public to attend regularly scheduled evening and committee meetings of the County Council, at the Huntington Park Garage, on a space-available basis, in order to encourage public attendance and participation in the new County government; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Rogers, Miller, Jones, Brady, Germana, Conwell, Connally and Simon

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

15. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR ADOPTION

- a) **O2011-0014**: An Ordinance establishing the Board of Control, establishing procedures governing the making of County contracts and the purchasing of County supplies and equipment, providing procedures for the making of public improvements, establishing procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County, and providing the terms upon which the County may cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof in making public improvements or providing common services.

Sponsors: Miller, Jones, Conwell, Rogers and Germana

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

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

- a) **R2011-0164**: 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/Office of Budget & Management

- b) **R2011-0165**: A Resolution accepting various Roof Replacement Projects as complete and in accordance with plans and specifications; granting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63, and declaring the necessity that this Resolution become immediately effective:

- 1) Brooklyn Adult Activities Center, located at 10991 Memphis Avenue, Brooklyn**
- 2) Operations Facility, located at 4553 Hinckley Industrial Parkway, Cleveland**
- 3) Rocky River Adult Activities Center, located at 20120 Detroit Road, Rocky River**

4) Transportation Services Center, located at 7001 Euclid Avenue, Cleveland

Sponsor: County Executive FitzGerald on behalf of the Cuyahoga County Board of Developmental Disabilities

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

- a) **R2011-0166**: A Resolution authorizing the County Executive to enter into agreements of cooperation with the Cities of Parma and Parma Heights for repair and resurfacing of Snow Road from West 130th Street to Ridge Road.

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

- b) **R2011-0167**: A Resolution accepting County Improvement No. 3-A-1, rehabilitation of trenchless sanitary sewers and manhole repairs in the Cities of Beachwood, Lyndhurst, Mayfield Heights and Pepper Pike, County Sewer District Nos. 3 and 5, as complete and in accordance with plans and specifications; granting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63.

Sponsor: County Executive FitzGerald/Department of Public Works/ County Engineer/Sanitary Engineering Division

- c) **R2011-0168**: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000240-01 with Robert P. Madison International, Inc. for architectural and engineering services for various projects for the period 4/1/2010 - 3/31/2011 to exercise an option to extend the time period to 9/30/2011 and for additional funds in the amount not-to-exceed \$50,000.00.

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

- d) **R2011-0169**: A Resolution authorizing the County Executive to enter into a contract with PB Americas, Inc. fka Parsons Brinckerhoff Ohio, Inc. in the amount not-to-exceed \$1,734,243.00 for design engineering services for Highland Road Bridges Nos. 156, 157, 158 and 226 over Euclid Creek in the City of Euclid; authorizing the County Engineer on behalf of the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds to fund said

contract; and declaring the necessity that this Resolution become immediately effective.

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

- e) **R2011-0170**: A Resolution approving plans for widening and reconstruction of Barrett Road from Spafford Road to the Berea West Corporation Line and the replacement of Barrett Road Culvert Nos. 8, 9, 10 and 11 in Olmsted Township; ordering that surveys, plans, profiles, cross-sections, right-of-way plans and plat for the project be filed in the Office of the Clerk of Council; setting the date and time of a public hearing; and declaring the necessity that this Resolution become immediately effective.

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

- f) **R2011-0171**: A Resolution authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not-to-exceed \$5,000,000.00 for Greater Abyssinia Apartments, L.P. for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a financing agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Bond Counsel: Roetzel & Andress LPA

- g) **R2011-0172**: A Resolution authorizing the County Executive, or the Director of Development as his designee, to execute all documents required in connection with various economic development loans for subordination with Flats East Development, LLC, for the Flats East Hotel Project, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

- h) **R2011-0173**: A Resolution authorizing a North Coast Opportunities Technology Fund loan in the amount not-to-exceed \$100,000.00 to Sooth, Inc., located at 3021 Euclid Heights Boulevard, Cleveland Heights; authorizing the County Executive, or the Director of

Development as his designee, to execute all documents required in connection with said loan.

Sponsor: County Executive FitzGerald/Department of Development

- i) **R2011-0174**: A Resolution authorizing the County Executive, through the Department of Procurement & Diversity, to solicit bids on RQ20109 for the Year Two Pavement Maintenance Program: Apron A1, B reconstruction and Apron A2, C, D1 rehabilitation.

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

- j) **R2011-0175**: A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland in the amount not-to-exceed \$442,270.91 for reimbursement of eligible training and exercise expenses in connection with the FY2008 Port Security Grant Program for the period 8/1/2008 - 7/31/2011, and declaring the necessity that that Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Justice Affairs

- k) **R2011-0176**: A Resolution authorizing the County Executive to enter into an agreement with Ohio Department of Natural Resources - Division of Watercraft in the amount not-to-exceed \$250,164.18 for reimbursement of eligible training and exercise expenses in connection with the FY2008 Port Security Grant Program for the period 8/1/2008 - 7/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Justice Affairs

- l) **R2011-0177**: A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland in the amount not-to-exceed \$300,000.00 for reimbursement of eligible training and exercise expenses in connection with the FY2010 Port Security Grant Program for the period 6/1/2010 - 5/31/2013, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Justice Affairs

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

- a) **R2011-0051**: A Resolution authorizing the County Executive to prepare and enter into an amendment (Change Order No. 2) to

Contract No. CE1000410-01 with The R.J. Platten Contracting Co. for construction of the Quincy Parking Lot in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance amount from \$223,617.78 to \$350,402.13 and for additional funds in the amount of \$126,784.35, 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 Safety – Gallagher

- b) R2011-0130: A Resolution authorizing the County Executive to enter into a contract (No. CE1100162-01, 02, 03, 04) with Ports Petroleum Company, Inc. in the amount not-to-exceed \$633,375.00 for gasoline for various County facilities for the period 1/1/2011 – 12/31/2011, and declaring the necessity that this Resolution become immediately effective.**

**Sponsor: County Executive FitzGerald/Office of Procurement &
Diversity**

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

- c) R2011-0138: A Resolution declaring that public convenience and welfare requires resurfacing of Columbus Road from Center Street to West 25th Street in the City of Cleveland; total estimated construction cost \$2,054,000.00; authorizing the County Executive to enter into an agreement of cooperation with City of Cleveland in connection with said project; 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**

- d) R2011-0139: A Resolution accepting scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville as complete and in accordance with plans and specifications, 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**

- e) **R2011-0140: A Resolution accepting repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township as complete and in accordance with plans and specifications, and declaring the necessity that this Resolution become immediately effective.**

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

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

- f) **R2011-0141: A Resolution accepting rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma as complete and in accordance with plans and specifications, and declaring the necessity that this Resolution become immediately effective.**

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

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

- g) **R2011-0142: A Resolution authorizing the County Executive to approve an additional settlement 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, 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**

- h) **R2011-0143**: A Resolution authorizing the County Executive to enter into an amendment to a Local Public Agency (LPA) Agreement with Ohio Department of Transportation for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township to change the funding arrangement and scope of services, effective 4/12/2011, and declaring the necessity that this Resolution become immediately effective.

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

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

- i) **R2011-0144**: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0700690-01 with TranSystems Corporation of Ohio for consultant engineering services for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township to change the scope of services and the terms, effective 4/12/2011, and for additional funds in the amount of \$868,990.00, and declaring the necessity that this Resolution become immediately effective.

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

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

- j) **R2011-0145**: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0900388-01 with C.T. Consultants, Inc. for general engineering services for the period 4/1/2009 - 3/31/2011 to extend the time period to 12/31/2011; no additional funds required; 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**

- k) **R2011-0146:** A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 1) to Contract No. CE1000349-01 with Terrace Construction Company, Inc. for the Sewer and Lateral Repair Program for various County sewer districts to change the scope of services, effective 4/12/2011; no additional funds required; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/
County Engineer/Sanitary Engineering Division

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

- l) **R2011-0147:** A Resolution authorizing an award on RQ19185 to Karvo Paving Company in the amount of \$2,233,539.49 for repair and resurfacing of Tiedeman Road from Brookpark Road to Memphis Avenue in the City of Brooklyn; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

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

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

- m) **R2011-0148:** A Resolution authorizing a subgrant award to City of Euclid in the amount not-to-exceed \$150,000.00 for a project located at 23802 Lake Shore Boulevard, Euclid, in connection with the Brownfields Revolving Loan Fund Program for the period 8/1/2008 - 7/31/2013; authorizing the County Executive to execute all documents required in connection with said award; and declaring the necessity that this Resolution become immediately effective. (Pending committee recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning
– Schron

- n) **R2011-0149:** A Resolution authorizing a HOME Rental Rehabilitation loan in the amount not-to-exceed \$500,000.00 to Villa Serena, Inc. for the Villa Serena Senior Citizen Apartments Project, located at 6800 Mayfield Road, Mayfield Heights; authorizing the County Executive to execute all documents required in connection with said loan; and

declaring the necessity that this Resolution become immediately effective. (Pending committee recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning
– Schron

- o) **R2011-0150**: A Resolution authorizing an award on RQ18962 to Lawler Construction in the amount of \$1,289,499.00 for heating unit replacement and associated energy conservation activities for the Villa Serena Apartments Project, located at 6800 Mayfield Road, Mayfield Heights, in connection with the Home Weatherization Assistance Program for the period 5/1/2011 - 9/30/2011; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective. (Pending committee recommendation.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning
– Schron

- p) **R2011-0152**: A Resolution authorizing the issuance of notes in the maximum principal amount of \$10,400,000.00 in anticipation of Bonds for the purpose of refunding bond anticipation notes, the proceeds of which were originally to refund the County's \$10,150,000.00 Rock and Roll Hall of Fame Museum Project Notes, Series 2010, that were issued to pay the costs of acquiring, constructing and equipping a library and an archives facility for the Rock and Roll Hall of Fame and Museum and certain improvements and renovations to the Rock and Roll Hall of Fame Museum, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Budget & Management

Bond Counsel: Roetzel & Andress LPA

Committee Assignment and Chair: Finance & Budgeting – Miller

- q) **R2011-0159**: A Resolution authorizing the County Executive to enter into an amendment to Agreement No. AG1000201-01 with Department of Workforce Development for operation of the Employment Connection One-Stop System, Career Centers and Work Experience Program for the period 7/1/2010 - 6/30/2011 to extend

the time period to 6/30/2012, to change the scope of services, effective 7/1/2011, and for additional funds in the amount of \$753,513.00, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

- r) **R2011-0160: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000623-01 with LNE & Associates, LLP, for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 - 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$428,518.08, and declaring the necessity that this Resolution become immediately effective.**

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

- s) **R2011-0161: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000592-01 with Towards Employment, Incorporated for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 - 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$436,617.15, and declaring the necessity that this Resolution become immediately effective.**

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

- t) **R2011-0162: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000593-01 with West Side Ecumenical Ministry for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 - 6/30/2011 to exercise an option to extend the time period**

to 6/30/2012 and for additional funds in the amount of \$473,901.21, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

19. EXECUTIVE SESSION

- a) Discussion regarding pending litigation.

20. MISCELLANEOUS COMMITTEE REPORTS

21. MISCELLANEOUS BUSINESS

22. PUBLIC COMMENT UNRELATED TO AGENDA

23. ADJOURNMENT

NEXT MEETINGS

COUNCIL WORK SESSION:

TUESDAY, MAY 3, 2011
4:00 PM / COUNCIL CHAMBERS

COUNCIL WORK SESSION:

TUESDAY, MAY 10, 2011
4:00 PM / COUNCIL CHAMBERS

REGULAR MEETING:

TUESDAY, MAY 10, 2011
6:00 PM / COUNCIL CHAMBERS

MINUTES
CUYAHOGA COUNTY COUNCIL SPECIAL MEETING
TUESDAY, APRIL 19, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. SILENT MEDITATION

Council President Connally requested that a moment of silent meditation be dedicated to last week's tornado victims.

4. ROLL CALL

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

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

a) April 5, 2011 Meeting - (Revised 4/18/2011)

A motion was made by Mr. Germana, seconded by Mr. Schron and approved by unanimous vote to approve the revised minutes, dated April 18, 2011, of the April 5, 2011 meeting.

b) April 12, 2011 Meeting

A motion was made by Mr. Greenspan, seconded by Mr. Brady and approved by unanimous vote to approve the minutes of the April 12, 2011 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

a) Contracts executed by County Executive

Mr. Bob Ivory, Special Assistant to County Executive FitzGerald, reported that executed contracts will be forwarded to Council by the end of the week, upon signature of the Executive.

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

A motion was made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2011-0117, R2011-0119, R2011-0120, R2011-0125, R2011-0126, R2011-0127, R2011-0128, R2011-0129, R2011-0153, R2011-0154, R2011-0155, R2011-0156, R2011-0157 and R2011-0158.

- a) R2011-0117: A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$365,121.00 for construction of an Energy Center at the Cuyahoga County Fairgrounds, related to the Fairgrounds Wind Turbine Project; authorizing the Director of the Office of Procurement & Diversity to advertise for bids on RQ19570, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

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

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2011-0117 was considered and adopted by unanimous vote.

- b) R2011-0119: A Resolution rescinding Resolution No. 104762 dated 10/28/2010 that made an award on RQ15326 to Phillips Electric in the amount of \$1,401,300.00 for a wind turbine generator to be located at the County Fairgrounds for the period 11/19/2010 - 11/18/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

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

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2011-0119 was considered and adopted by unanimous vote.

- c) R2011-0120: A Resolution making an award on RQ15326 and authorizing the County Executive to enter into a contract with Halus Power Systems in the amount of \$1,400,000.00 for wind turbine generator to be located at the County Fairgrounds for the period 3/22/2011 - 3/21/2012, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

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

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2011-0120 was considered and adopted by unanimous vote.

- d) R2011-0125: A Resolution authorizing an economic development loan in the amount not-to-exceed \$500,000.00 to 7204 Pearl Road Associates, LLC, to assist in the acquisition and renovation of a facility located at 7204 Pearl Road, Middleburg Heights; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Mr. Rogers, Resolution No. R2011-0125 was considered and adopted by unanimous vote.

- e) R2011-0126: A Resolution authorizing an economic development loan in the amount not-to-exceed \$53,000.00 to Archer Realty, LLC, for infrastructure improvements of its headquarters facility located at 15601 Brookpark Road, Brook Park; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2011-0126 was considered and adopted by unanimous vote.

- f) R2011-0127: A Resolution authorizing a Brownfields Revolving Loan Fund (BRLF) Subgrant award between the County of Cuyahoga, through the Department of Development, and the City of Cleveland, in the amount not-to-exceed \$454,953.00; authorizing the County Executive and/or Director of Development to execute all documents in relation to the Revolving Loan Fund Subgrant Agreement; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Mr. Rogers, Resolution No. R2011-0127 was considered and adopted by unanimous vote.

Mr. Greenspan stated that he had requested the petitioner to send information regarding the hourly rate being charged on this project and to date the information had not been forwarded to Council. Mr. Greenspan stated that he would still like this information forwarded to Council.

- g) R2011-0128: A Resolution authorizing an economic development loan in the amount not-to-exceed \$500,000.00 to MB&W Consumer Collections, Inc. for the acquisition of a facility located at 7088 West 130th Street, Middleburg Heights; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

On a motion by Mr. Schron with a second by Mr. Gallagher, Resolution No. R2011-0128 was considered and adopted by unanimous vote.

- h) R2011-0129: A Resolution authorizing the County Executive to enter into a contract (No. CE1100132-01) with Union Eye Care Center, Inc. in the amount not-to-exceed \$549,010.20 for the provision of vision insurance to County employees for the period 1/1/2011 – 12/31/2013,

and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources

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

On a motion by Ms. Conwell with a second by Mr. Jones, Resolution No. R2011-0129 was considered and adopted by unanimous vote.

- i) R2011-0153: A Resolution authorizing the County Executive to enter into a contract with MHS, Inc. in the amount not-to-exceed \$550,611.00 for crisis intervention and assessment services for the Children Who Witness Violence Program for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Justice Affairs/Witness/Victim Service Center

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Mr. Jones, Resolution No. R2011-0153 was considered and adopted by unanimous vote.

- j) R2011-0154: A Resolution authorizing the County Executive on behalf of the Cuyahoga County Board of Developmental Disabilities to enter into an amendment to Contract No. CE1000448-01 with Terik Roofing, Inc. for various Roof Replacement Projects to change the scope of services and the terms, effective 11/29/2010, and for a decrease in the amount of (\$20,549.00), and declaring the necessity that this Resolution become immediately effective:

- 1) Brooklyn Adult Activities Center, located at 10991 Memphis Avenue, Brooklyn
- 2) Operations Facility, located at 4553 Hinckley Industrial Parkway, Cleveland
- 3) Rocky River Adult Activities Center, located at 20120 Detroit Road, Rocky River
- 4) Transportation Services Center, located at 7001 Euclid Avenue, Cleveland

Sponsor: County Executive FitzGerald on behalf of the Cuyahoga County Board of Developmental Disabilities

Committee Assignment and Chair: Health, Human Services &
Aging – Brady

On a motion by Mr. Miller with a second by Mr. Brady, Resolution No. R2011-0154 was considered and adopted by unanimous vote.

- k) R2011-0155: A Resolution authorizing an award on RQ18597 to MetroHealth Medical Center in the amount of \$880,595.00 for medical and social support services for the HIV Emergency Relief Grant Program in connection with the Ryan White HIV/AIDS Treatment Extension Act of 2009 for the period 3/1/2011 - 2/29/2012; 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 Health and Human Services

Committee Assignment and Chair: Health, Human Services &
Aging – Brady

On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0155 was considered and adopted by unanimous vote.

- l) R2011-0156: A Resolution authorizing the County Executive to enter into contracts with various providers for the Homelessness Prevention and Rapid Re-Housing Program for the period 9/15/2009 - 7/31/2012, and declaring the necessity that this Resolution become immediately effective:

1) Cleveland Mediation Center in the amount not-to-exceed \$711,086.00.

2) Emerald Development and Economic Network, Inc. in the amount not-to-exceed \$641,780.00.

3) MHS, Inc. in the amount not-to-exceed \$336,734.00.

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

Committee Assignment and Chair: Health, Human Services &
Aging – Brady

On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2011-0156 was considered and adopted by unanimous vote.

- m) R2011-0157: A Resolution authorizing the County Executive to enter into a contract with MHS, Inc. in the amount not-to-exceed \$1,124,293.00 for operational support of the Norma Herr Women's Center fka Community Women's Shelter, located at 2219-2227 Payne Avenue, Cleveland, for the period 1/1/2011 - 12/31/2011; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

On a motion by Ms. Conwell with a second by Mr. Jones, Resolution No. R2011-0157 was considered and adopted by unanimous vote.

- n) R2011-0158: A Resolution authorizing the County Executive to enter into a contract with The Salvation Army in the amount not-to-exceed \$527,499.00 for the PASS Transitional Housing Program in connection with the FY2009 Continuum of Care for Homeless Assistance Grant Program for the period 10/1/2010 - 9/30/2011; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Health, Human Services & Aging – Brady

On a motion by Ms. Conwell with a second by Mr. Rogers, Resolution No. R2011-0158 was considered and adopted by unanimous vote.

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

A motion was made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2011-0009.

- a) O2011-0009: An Ordinance authorizing the creation of a Department of Regional Collaboration under supervision of the County Executive to advocate for and promote cooperation and collaboration with and

among the State of Ohio and other political subdivisions, and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignments and Chairs: Economic Development & Planning – Schron and Intergovernmental Relations & Collaboration – Germana

On a motion by Mr. Schron with a second by Mr. Germana, Ordinance No. O2011-0009 was considered and adopted by unanimous vote.

Mr. Miller asked that he be added as a sponsor to this Ordinance.

10. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Miller, seconded by Ms. Simon and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2011-0016.

- a) O2011-0016: An Ordinance establishing the Department of Law and the powers and duties of the Director of Law, and declaring the necessity that this Ordinance become immediately effective.

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

Committee Assignment and Chair: Justice Affairs – Simon

On a motion by Ms. Simon with a second by Mr. Miller, Ordinance No. O2011-0016 was considered and adopted by unanimous vote.

Councilmembers Germana, Schron, Rogers, Conwell, Greenspan, Gallagher, Conwell and Miller all asked that they be added as sponsors to this Ordinance.

11. MISCELLANEOUS COMMITTEE REPORTS

Mr. Germana stated that the Intergovernmental Relations & Collaboration Committee meeting scheduled for Monday, April 25, 2011 has been cancelled.

Mr. Schron stated that the Economic Development and Planning Committee meeting has been rescheduled for Monday, April 25, 2011, at 2:00 p.m.

12. MISCELLANEOUS BUSINESS

- a) Presentation by Justin Bibb regarding the Cuyahoga County Education Strategy.**

Mr. Bibb reported on his work on the Cuyahoga County Education Strategy project. He also presented a ceremonial proclamation to the students of the Cleveland Job Corp Academy for their community service efforts for Earth Day.

13. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

14. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Gallagher with a second by Mr. Miller, the meeting was adjourned at 7:18 p.m., without objection.

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0027

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion to appoint individuals to serve on Boards of Revision for Cuyahoga County.

WHEREAS, Section 6.02 of the Charter of Cuyahoga County states that there shall be one or more Boards of Revision, each consisting of three electors of the County; and,

WHEREAS, Section 6.02 states further that two members of each board, who shall not be of the same political party, shall be appointed by the Council, each for a term of three years; and,

WHEREAS, A need exists to make appointments to establish additional Boards of Revision.

WHEREAS, Candidates for appointment have been identified through a selection process that was approved by the Council of Cuyahoga County.

THEREFORE, the Council of Cuyahoga County, Ohio, hereby appoints the following individuals to serve on the Boards of Revision pursuant to Section 6.02 of the Charter of Cuyahoga County:

James McMullen
\$30.99 hr/\$64,459.20 annual
Effective May 9, 2011

Jeffrey Ledel
\$30.99 hr/\$64,459.20 annual
Effective May 9, 2011

Robert Hennessy
\$30.99 hr/\$64,459.20 annual
Effective May 9, 2011

Michael Alexander
\$27.31 hr/\$56,804.80 annual
Effective May 9, 2011

Roger Kramer
\$30.99 hr/\$64,459.20 annual
Effective May 9, 2011

Ann Gerhart
\$30.99 hr/\$64,459.20 annual
Effective May 9, 2011

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

Yeas:

Nays:

County Council President Date

Clerk of Council Date

Journal CC002
April 26, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0028

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of Veronica A. Rice to serve on the County Audit Committee.

WHEREAS, Charter Section 11.01, entitled "County Audit Committee," calls for the creation of an Audit Committee that "shall provide internal auditing to assist the County Executive, Fiscal Officer, the Council, and other county officers and departments, institutions, boards, commissions, authorities, organizations and agencies of County government funded in whole or in part by County funds in providing taxpayers of the County with efficient and effective services;" and,

WHEREAS, Charter Section 11.01 states further that "the County Audit Committee shall consist of the Fiscal Officer, who shall serve as the chair of the committee, the County Executive, the President of Council *and two residents of the County appointed by the County Executive and confirmed by Council.*"

WHEREAS, Charter Section 11.02 states that there shall be a Department of Internal Auditing, which shall serve *under the direction of*, and perform such functions on behalf of, *the County Audit Committee* as the Committee shall prescribe; and,

WHEREAS, Section 11.03 states provides that other duties of the Audit Committee include to "recommend to the Council one or more candidates for appointment as the Director of Internal Auditing," and to "approve or reject" recommendations for the hiring of staff of the Department of Internal Auditing; and,

WHEREAS, County Executive FitzGerald has nominated Veronica A. Rice to serve on the County Audit Committee; and,

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

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Veronica A. Rice to serve on the County Audit Committee.

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

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

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

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

Journal _____
_____, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0029

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of Nick Neforos to serve on the County Audit Committee.

WHEREAS, Charter Section 11.01, entitled "County Audit Committee," calls for the creation of an Audit Committee that "shall provide internal auditing to assist the County Executive, Fiscal Officer, the Council, and other county officers and departments, institutions, boards, commissions, authorities, organizations and agencies of County government funded in whole or in part by County funds in providing taxpayers of the County with efficient and effective services;" and,

WHEREAS, Charter Section 11.01 states further that "the County Audit Committee shall consist of the Fiscal Officer, who shall serve as the chair of the committee, the County Executive, the President of Council *and two residents of the County appointed by the County Executive and confirmed by Council.*"

WHEREAS, Charter Section 11.02 states that there shall be a Department of Internal Auditing, which shall serve *under the direction of*, and perform such functions on behalf of, *the County Audit Committee* as the Committee shall prescribe; and,

WHEREAS, Section 11.03 states provides that other duties of the Audit Committee include to "recommend to the Council one or more candidates for appointment as the Director of Internal Auditing," and to "approve or reject" recommendations for the hiring of staff of the Department of Internal Auditing; and,

WHEREAS, County Executive FitzGerald has nominated Nick Neforos to serve on the County Audit Committee; and,

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

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Nick Neforos to serve on the County Audit Committee.

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

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

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

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

Journal _____
_____, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0018

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of Norberto Colon to serve on the Public Safety Urban Area Working Group.

WHEREAS, the Cleveland Area/Cuyahoga County Urban Area Working Group, a.k.a. Counter and Anti-Terrorism Committee, was established as a subcommittee of the Cuyahoga County Emergency Services Advisory Board; and,

WHEREAS, the Emergency Services Advisory Board was established pursuant to ORC 5502.25 to advise the County on emergency management, public safety, emergency services and Homeland Security matters; and,

WHEREAS, County Executive FitzGerald has nominated Norberto Colon to serve on the Public Safety Urban Area Working Group.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Norberto Colon to serve on the Public Safety Urban Area Working Group.

SECTION 2. 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: None

County Council President Date

Clerk of Council Date

First Reading/Referred to Committee: March 22, 2011
Committee Assigned: Human Resources, Appointments & Equity

Journal CC002
April 26, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0019

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Planning Commission.

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

WHEREAS, County Executive Ed FitzGerald has nominated the following individuals for appointment to the Cuyahoga County Planning Commission:

- 1) Mayor Eileen Patton, Fairview Park (Westshore Region)
- 2) Mayor Michael Procuk, Brooklyn Heights (Cuyahoga Region)
- 3) Ed Jerse, Director of Regional Collaboration
- 4) Nathan Kelly, Deputy Chief of Development (Alternate to County Executive Ed FitzGerald).

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of the following individuals to serve on the Cuyahoga County Planning Commission:

- 1) Mayor Eileen Patton, Fairview Park (Westshore Region)
- 2) Mayor Michael Procuk, Brooklyn Heights (Cuyahoga Region)
- 3) Ed Jerse, Director of Regional Collaboration
- 4) Nathan Kelly, Deputy Chief of Development (Alternate to County Executive Ed FitzGerald).

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President Date

Clerk of Council Date

First Reading/Referred to Committee: March 22, 2011

Committee Assigned: Human Resources, Appointments & Equity

Journal CC002

April 26, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0020

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of individuals to serve on the Tax Incentive Review Councils.

WHEREAS, ORC 5709.85 calls for the creation of Tax Incentive Review Councils; and,

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

WHEREAS, County Executive Ed FitzGerald has nominated the following individuals to serve on Tax Incentive Review Councils:

- 1) Jeffrey Schiffman
- 2) Jonathan Holody
- 3) Andrew Revy
- 4) Joe Micciulla

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of the following to serve on Tax Incentive Review Councils:

- 1) Jeffrey Schiffman
- 2) Jonathan Holody
- 3) Andrew Revy
- 4) Joe Micciulla

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President Date

Clerk of Council Date

First Reading/Referred to Committee: March 22, 2011
Committee Assigned: Human Resources, Appointments & Equity

Journal CC002
April 26, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0021

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of Nick Nardi to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

WHEREAS, Chapter 306 of the Ohio Revised Code provides for the creation of a Regional Transit Authority; and,

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

WHEREAS, County Executive Ed FitzGerald has nominated Nick Nardi to Serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Nick Nardi to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: March 22, 2011
Committee Assigned: Human Resources, Appointments & Equity

Journal CC002
April 26, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0024

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion confirming the County Executive's appointment of individuals to serve on the District One Public Works Integrating Committee of Cuyahoga County.

WHEREAS, the District One Public Works Integrating Committee (DOPWIC) is responsible to oversee the implementation of the State Capital Infrastructure Bond Program, the Local Transportation Improvement Program and the Revolving Loan Program in Cuyahoga County; and,

WHEREAS, the DOPWIC evaluates capital improvement projects submitted by its local subdivisions using a project selection criteria based on criteria listed in the Ohio Revised Code Section 164 and selects projects to recommend to the Director of the Ohio Public Works Commission for further consideration; and,

WHEREAS, the DOPWIC also appoints a subcommittee of its members to review and recommend projects from villages and townships to the Ohio Small Government Capital Improvements Commission for further consideration; and,

WHEREAS, the DOPWIC is also charged with evaluating and prioritizing Cuyahoga County projects submitted for Clean Ohio Revitalization funds and Job Ready Site program funds and is also responsible for appointing the members to the Cuyahoga County Natural Resources Assistance Council which oversees the implementation of the Clean Ohio Conservation Program in Cuyahoga County; and,

WHEREAS, County Executive Ed FitzGerald has nominated Bonita Teeuwen and Douglas L. Dillon for appointment to DOPWIC; and,

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

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of the following individuals to serve on the District One Public

Works Integrating Committee of Cuyahoga County: Bonita Teeuwen, Director of Public Works, and Douglas L. Dillon, MBA, PE, PS, Cuyahoga County Engineer.

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

First Reading/Referred to Committee: April 5, 2011
Committee Assigned: Human Resources, Appointments & Equity

Journal CC002
April 26, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0025

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

**A Motion confirming the County Executive's appointment of ~~individuals~~
David W. Whitehead to serve on the Cuyahoga Community College Board of
Trustees.**

WHEREAS, Ohio Revised Code Section 3354.05 requires that member of the board of trustees of a community college district be appointed by a county board of commissioners; and,

WHEREAS, Charter Section 6.04 states that when general law provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council; and,

WHEREAS, County Executive FitzGerald has nominated ~~Justin Bibb and~~ David W. Whitehead to serve on the Cuyahoga Community College Board of Trustees; and,

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

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment of ~~Justin Bibb and~~ David W. Whitehead to serve on the Cuyahoga Community College Board of Trustees.

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

First Reading/Referred to Committee: April 5, 2011
Committee Assigned: Human Resources, Appointments & Equity

Journal CC002
April 26, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

Motion No. M2011-0026

Sponsored by: Council President Connally

A Motion confirming the County Executive's appointment of Matthew Carroll to serve as *ex officio* representative on the Gateway Economic Development Corporation of Greater Cleveland Board of Trustees.

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

WHEREAS, County Executive Ed FitzGerald has nominated Matthew Carroll as *ex officio* representative on the Gateway Economic Development Corporation of Greater Cleveland Board of Trustees..

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby confirms the appointment as *ex officio* representative on the Gateway Economic Development Corporation of Greater Cleveland Board of Trustees.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President Date

Clerk of Council

Date

First Reading/Referred to Committee: April 12, 2011

Committee Assigned: Human Resources, Appointments & Equity

Journal CC002

April 26, 2011

Rules of the Cuyahoga County Council

Proposed to be Adopted as the Permanent Rules of Cuyahoga County Council

COUNCIL RULES ADOPTED

The following "Rules of the Cuyahoga County Council" are hereby adopted for the fair, orderly, open, and ethical conduct of business by the County Council. These rules shall be posted on the County's website and shall be available as a public record.

DEFINITIONS

1. "Adopted" or "adoption" means approval of legislation by Council after three (3) or more readings or after dispensing with the requirement of three (3) readings.
2. "Adjourned session" means a meeting that has concluded, but prior to the conclusion of the meeting the time and date for another meeting to continue the business of the meeting has been set.
3. "Agenda" means a list of all ordinances, resolutions, motions, and reports to be considered by Council at a regular or special meeting that is prepared by the Clerk of Council in written form prior to the meeting, or a similar list of matters to be considered at a Council committee meeting.
4. "Charter" means the Charter of Cuyahoga County, adopted by the electors of Cuyahoga County at the general election on November 3, 2009, as amended.
5. "Clerk" means the Clerk of Council.
6. "County" means Cuyahoga County.
7. "Enacted" or "enactment" means, with respect to legislation, adoption by Council and approval by the Executive within ten (10) days after presentation by the Clerk; or adoption by Council and the expiration of ten (10) days without approval or veto by the Executive; or approval by the vote of at least eight (8) Members of Council upon reconsideration after disapproval by the Executive as provided by the Charter.
8. "Executive" means the County Executive of Cuyahoga County as provided in Article 2 of the Charter.
9. "Executive Session" means a meeting of Council or a Committee of Council not open to the public held according to ORC Section 121.22, as amended.
10. "Record of Council" means the permanent record, maintained by the Clerk, of the agenda, minutes, reports, legislation adopted, and motions approved by the County Council and its committees.
11. "Legislation" means any ordinance or resolution, including a Motion of Council or Ceremonial Resolution, submitted to the Council for consideration. Legislation shall be designated as an "ordinance" if it is of a general and permanent nature and as a "resolution" if it is of a temporary nature or does not prescribe any permanent rules of conduct and/or expression of legislative intent.
12. "Matters" mean all legislation, parliamentary motions, agenda items, and requests to address Council.

13. "Meeting" means any prearranged discussion of public business by a majority of the Members of Council or by a majority of the Members of any Council committee.
14. "Member" means a Member of the County Council, as provided in Article 3 of the Charter, unless the context clearly indicates otherwise.
15. "Motion of Council" means a form of resolution which proposes action by the Council that is not of a general nature and is not subject to veto by the Executive.
16. "Organizational Meeting" means the Regular Council Meeting which occurs on the first business day of each year that immediately follows the year during which elections are held for the office of Member of County Council.
17. "Parliamentary Motion" means a proposal made in a meeting of Council or a Committee of Council in accordance with the Rules of Council to expedite or control deliberations and the transaction of business.
18. "Presiding officer" means the President for a meeting of Council and the Chairperson for a committee.
19. "Regular Council Meeting" means a prearranged meeting of the County Council scheduled pursuant to a Motion of Council approved to set or amend the Council calendar for each year.
20. "Special Council Meeting" means a meeting of Council that is neither a Regular Council Meeting, nor the resumption of a Regular or Special Council Meeting that had been adjourned to another time or day and time.

1. MEMBERS OF COUNCIL

Rule 1A: Member Conduct

Members shall at all times conduct themselves with courtesy and respect for their fellow officeholders, the Executive and members of the administration, county employees, and the public, and shall discharge their duties in accordance with the high public trust placed in them.

Rule 1B: Members to Provide Contact Information

Upon taking office, each Member shall provide the clerk contact information including business and residential address, office, facsimile, home and cellular telephone number(s) and email address(es). Based on the information provided, the Member shall designate primary contact information to which notices shall be sent.

Rule 1C: Council Vacancy

If a vacancy occurs in the position of any Member and it becomes the responsibility of Council to fill that vacancy according to Article 3, Section 5 or 6 of the Charter, the Council shall fill the vacancy by adoption of a Motion of Council within the 30-day time limit set by the Charter.

Rule 1D: Proclamations and Letters of Commendation and Condolence

The President may, on the request of any Member, sign proclamations or letters of commendation or condolence on behalf of the Council. Such proclamations or letters shall include the signatures of the President and the sponsoring Member(s).

2. OFFICERS OF COUNCIL

Rule 2A: Organizational Meeting

On the first business day of each year following a general election for Members of Council, the Council shall conduct an Organizational Meeting, at which it shall elect one of its Members as President and one other Member as Vice-President, in accordance with Article 3, Section 10 Subsection 1 of the Charter, to serve until their successors are chosen at the next organizational meeting of Council.

Rule 2B: Clerk's Role at Organizational Meeting

The Clerk shall preside over the Organizational Meeting until the President is chosen, after which the President shall preside over the remainder of the Organizational Meeting.

Rule 2C: Process for Election of Council Leadership

The President and Vice President shall be elected at the Organizational Meeting as follows:

- (1) Any Member may nominate themselves or another Member, and a second shall not be required.
- (2) After all nominations for President have been made, the Clerk shall call the roll, and each Member shall vote for one candidate.
- (3) A Member must receive at least six (6) votes for election. If no Member receives six (6) votes and one candidate receives the fewest number of votes, the candidate receiving the fewest number of votes shall be eliminated and the voting process shall be repeated. If two or more candidates are tied for the least number of votes, then no candidates shall be eliminated, and the voting process shall be repeated. If no candidate receives six (6) votes in the second round, the process described above shall be repeated until a candidate is elected.
- (4) After the election of the President, the Vice President shall be elected in the same manner.

Rule 2D: Duties of President of Council

The President shall preside at all meetings of Council and shall perform all duties as specified in the Charter, the Codified Ordinances of Cuyahoga County, these Council Rules, or by Motion of Council. The President may appoint any Member to preside at any meeting of Council, but such appointment shall not extend beyond the duration of that meeting.

Rule 2E: Duties of Vice-President of Council

The Vice-President shall preside in the absence or disability of the President at all meetings of Council, shall perform all the duties of the President during such absence or disability, and shall perform all other duties as set forth in the Charter, the Codified Ordinances of Cuyahoga County, these Council rules, or by Motion of Council.

Rule 2F: Absence or Disability of President and Vice-President

In the absence or disability of both the President and Vice-President, the Member with the most seniority shall serve as President Pro-Tem and perform all the duties of the President during such absence or disability. If no one Member has the most seniority, the Clerk shall conduct an election for President Pro-Tem, with all Members being eligible, using the procedure set forth in Rule 2C, except that a majority of those voting shall be sufficient for election.

Rule 2G: Council Officer Vacancy

If a vacancy occurs in the office of President, the Vice-President shall become President. Not later than the second regular meeting after the vacancy occurs, the President shall conduct an election for Vice-President, following the procedure set forth in Rule 2C. The same election procedures shall be followed if a vacancy occurs in the office of Vice-President.

Rule 2H: Council Officers Entitled to Vote

The President and Vice-President shall be entitled to vote on all matters.

3. COUNCIL PERSONNEL

Rule 3A: Clerk of Council

The Council shall appoint and set the salary and compensation for a Clerk of Council, who shall have the following duties:

- (1) Attend meetings of Council, determine quorums, record the proceedings and the votes of each Member, and keep the minutes of the proceedings;
- (2) Provide notices as required by the Charter, general law, and these Council Rules;
- (3) Accept, record, and compile proposed legislation for inclusion in the agenda of Council;
- (4) Deliver all adopted legislation to the Executive;
- (5) Deliver proposed legislation to the Committee Chairs;
- (6) Accept and provide to the President requests to address Council;
- (7) Publish all legislation as required by these Council Rules;
- (8) Publish the Record of Council;
- (9) Conduct the election of the President of Council;
- (10) Attend Council Committee meetings in person or by designee, determine quorums, record the proceedings and the votes of each member, keep the minutes of the proceedings, and accept and provide the Chairperson requests to address the Committee;
- (11) Any other duties that the Council determines are necessary for the performance of its duties.

Rule 3B: Other Council Personnel

(1) The Council shall, by appropriate legislation, determine the job titles, classifications, compensation and duties of full or part-time staff as are needed to properly perform the duties of Council as set forth in the Charter; and in so doing, Council shall reference the classification and salary administration system as established by ordinance and administered by the Human Resources Commission.

(2) The Council shall, by appropriate legislation, determine the compensation and duties of other personnel, such as contractors or professional experts or other consultants on a retainer or contract basis, as are needed to properly perform the duties of Council as set forth in the Charter.

4. QUORUM OF COUNCIL

Rule 4A: Quorum Defined

A quorum of Council shall consist of six (6) Members, which shall constitute the number of Members required to transact any business that does not require a larger number of Members, as specified in the Charter and/or these Council Rules.

Rule 4B: Clerk to Determine Quorum

The Clerk shall determine the presence of a quorum by roll call at the beginning of each Council meeting, shall announce that a quorum is present, and shall keep a record of Members present.

Rule 4C: Absence of Quorum

A Member may at any time raise a point of order and request the President to determine whether a quorum is present. The President shall then direct the Clerk to call the roll of Members. If a quorum is not present, the Council may not conduct any business until a quorum is restored, except to adjourn, fix a date and time to which to adjourn, or take any other action permitted in the absence of a quorum, as provided in Robert's Rules of Order, Newly Revised.

5. MEETINGS OF COUNCIL

Rule 5A: Schedule of Regular Council Meetings

At each Organizational Meeting, the Council, by a Motion of Council, shall establish a schedule of the dates, times, and locations of all Regular Council meetings for the following two years.

Rule 5B: Regular Place and Times for Council Meetings

All meetings of Council shall take place at the County Council Chambers on the first floor of the Justice Center at 1200 Ontario Avenue, Cleveland, Ohio, 44113, unless otherwise specified. Regular Council Meetings shall take place on the 2nd and 4th Tuesday of each month at 6:00 PM, unless otherwise specified in the annual schedule established by the Council.

Rule 5C: Procedure and Notice for Change of Council Meeting Schedule

(1) The Council may, by Motion of Council, change the date, time, or place of any Regular Council Meeting or cancel any Regular Council Meeting; however, the Council shall provide at least three (3) days notice in rescheduling any Regular Council Meeting. Notice of any rescheduled Regular Meeting of

Council shall be promptly given to all Members, posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

(2) When any changes are made to the Council's annual schedule, the Clerk shall promptly update the biennial schedule on the County's website. The Clerk shall also provide a copy of the current biennial schedule of Council meetings to any member of the public upon request.

Rule 5D: Notice Required for Adjourned Meeting of Council

The Council may adjourn any meeting to a time and place certain. Notice shall be given to any Members not in attendance at the meeting so adjourned, not later than the third business day prior to the meeting of the adjourned session or as soon as practicable if such adjournment is for a time less than four (4) days. Notice of the adjourned session shall at the same time also be posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

Rule 5E: Special Council Meetings

A Special Council Meeting may be called by the President upon notification to the Clerk or by any five (5) Members, upon delivery to the Clerk of a written request, specifying the date, time, location, and purpose of such meeting, along with the titles of any legislation to be discussed. At a Special Council Meeting called by five (5) Members, only matters specified in the request may be considered. All Special Council Meetings shall follow all rules regarding open meetings and public notice that apply to Regular Council Meetings.

Rule 5F: Notice Required for Special Council Meeting

Notice of the date, time, location, and agenda for any Special Council Meeting shall be given to all Members not later than twenty-four (24) hours prior to the time of such meeting and shall at the same time be posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

Rule 5G: Digital Record of Council Meetings Required

All meetings of Council shall be audiotaped and/or videotaped, and these recordings shall be preserved by the Clerk as public records.

Rule 5H: Absence of Members

Members are expected to attend all Regular Council Meetings. Not later than the second Regular Council Meeting following a meeting at which a Member is absent, the Council may vote to excuse that member's absence. Absences may be excused by parliamentary motion. The Clerk shall record the presence or absence of each Member at each Council Meeting, and shall record which absences are excused. As provided in Article 12, Section 3 of the Charter, any Member who is absent from three consecutive Regular Council Meetings, without being excused by Council, shall forfeit his/her office in the Council.

Rule 5I: Council Meeting Agenda

The Clerk, with the approval of the President shall prepare the agenda for each Council meeting. The agenda shall include proclamations, ordinances, resolutions, Motions of Council, messages from the

Executive, committee reports, and other business to be considered, arranged in order as provided for in Rule 6A.

Rule 5J: Publication of Agenda for Council Meetings

Not later than the close of business on the second business day prior to any Council meeting, the Clerk shall post the agenda for the meeting and supporting information from the packets of information prepared for Council on the County's website and include the same information in the Record of Council, and the Clerk shall post the agenda at the Clerk's office.

Rule 5K: Council Member Packets

Not later than the close of business on the second business day prior to any meeting of Council, the Clerk shall provide each Member with a packet providing background information on the matters expecting to come before Council at the next meeting and containing the draft minutes of the previous meeting. The packets may be provided in an electronic format.

Rule 5L: Deadline for Submission of Items for Council Agenda

All items requested to be placed on the agenda for introduction at any Regular Council Meeting shall be submitted to the Clerk in the final form that they will be submitted to Council no later than the close of business on the fifth (5th) business day prior to the Regular Council Meeting. Exceptions to this deadline may be made with the approval of the President and the Clerk.

6. ORDER OF BUSINESS

Rule 6A: Order of Business

The business of Council shall be conducted in the following order:

- (1) Call meeting to order
- (2) Roll Call
- (3) The Pledge of Allegiance to the flag of the United States of America
- (4) Silent meditation
- (5) Public comment relating to today's agenda
- (6) Approval of minutes
- (7) Messages from the Executive
- (8) Consideration of Ceremonial Resolutions
- (9) Consideration of Motions of Council
- (10) First reading of legislation by title
- (11) Consideration of motions for first reading adoption under suspension of rules

- (12) Committee reports and second reading of legislation by title
- (13) Consideration of motions for second reading adoption under suspension of rules
- (14) Consideration of legislation being read by title for the third time or more
- (15) Miscellaneous committee reports
- (16) Miscellaneous business
- (17) Public comment not relating to today's agenda
- (18) Adjournment of meeting

Rule 6B: Council Authority to Determine Agenda

The Council may, by adoption of a parliamentary motion, change the order of business or add items to or delete items from the order of business at any meeting of Council. Rule 6A shall not apply to an Organizational Meeting of Council, at which the Council shall adopt its own order of business and agenda by parliamentary motion.

7. ACTIONS OF COUNCIL

Rule 7A: Types of Council Action

The Council may take action only through ordinances, resolutions, Ceremonial Resolutions, Motions of Council, and parliamentary motions.

Rule 7B: Ordinances

- (1) An ordinance shall provide for matters of a general and permanent nature.
- (2) The heading of an ordinance shall be as follows:

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

Ordinance No. _____

Sponsored by _____

- (3) All ordinances shall contain only one subject. The title shall be a succinct summary of the subject and purpose of the ordinance. Legislation amending existing law shall also be noted as such in the title.
- (4) The Clerk shall assign a number to each ordinance, which shall indicate the year of introduction, and the number of the ordinance within that year.
- (5) The ordinance shall state the sponsor and any cosponsors. Two or more Members may jointly sponsor an ordinance.
- (6) The enacting clause shall read , "Be it enacted by the County Council of Cuyahoga County, Ohio:"

Rule 7C: Resolutions

(1) A resolution proposes legislative action that does not involve permanent changes in law.

(2) The heading for a resolution shall be as follows:

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

Resolution No. _____

Sponsored by _____

(3) All resolutions shall contain only one subject. The title shall be a succinct summary of the subject and purpose of the resolution.

(4) The Clerk shall assign a number to each resolution, which shall indicate the year of introduction and the number of the resolution within that year.

(5) The resolution shall state the sponsor and any cosponsors. Two or more Members may jointly sponsor a resolution.

(6) The resolution shall contain statements of support, followed by a resolution clause that reads, "Be it resolved by the County Council of Cuyahoga County, Ohio, that..."

Rule 7D: Ceremonial Resolutions

(1) Ceremonial resolutions are acknowledgements, generally of congratulation or condolence, to recognize a noteworthy event or person.

(2) Ceremonial resolutions shall be adopted in the same manner as other resolutions.

Rule 7E: Motions of Council

(1) Any non-legislative power of the County Council or actions not subject to Executive veto, other than Ceremonial Resolutions, may be exercised by adoption of a resolution in the form of a Motion of Council. These powers include, but are not limited to:

(A) Organization and administration of the Council.

(B) Confirmation or rejection of appointments proposed by the Executive.

(C) Actions necessary to exercise Council's oversight authority, pursuant to Article 3, Section 9, Subsection 10 and Article 3, Section 12 of the Charter.

(D) Actions expressing the sentiment of Council on a public issue.

(2) All approved Motions of Council shall be in written form, provide the full text of the motion, indicate the name(s) of the Member(s) who made the motion and the date of approval by Council, and shall be signed by the President and Clerk.

(3) A Motion of Council shall be adopted in the same way as other resolutions.

(4) The Clerk shall assign a number to all Motions of Council, and they shall be posted on the County's website and shall be kept in the Record of Council.

Rule 7F: Parliamentary Motions

Actions of a procedural nature, including to excuse the absence of a member, may be approved by passage of the appropriate parliamentary motion.

Rule 7G: Sponsorship

At any point prior to final passage of legislation in Council, any Member may add or withdraw his/her name as a sponsor by notifying the Clerk.

8. DECORUM

Rule 8A: Visual Demonstrations Prohibited

No posters, placards, banners or signs shall be carried into Council Chambers or into any committee meeting.

Rule 8B: Respectful Presence

Any applause, outburst, or demonstration during any Council or committee meeting shall be permitted only when respectful toward all persons present and not disruptive of the proceedings at the meeting.

Rule 8C: Audible Communication Devices Prohibited

No use of any audible wireless communication device shall be permitted during Council or committee meetings.

Rule 8D: Filming, Taping, and Recording

No one may film, tape, or record any meeting of Council or a committee meeting in a way that disrupts or significantly interferes with the conduct of the meeting. Anyone who intends to film, tape, or record any meeting of Council or a committee meeting is requested to register with the Clerk prior to the meeting on a written form that will be provided for this purpose. The Clerk shall set up a process for those who intend to film, tape, or record on a regular basis to provide a single registration, which shall be effective until the next Organizational Meeting of Council.

9. PARLIAMENTARY PROCEDURE

Rule 9A: Parliamentary Procedure Manual

The parliamentary guide for procedural issues not covered in these Council Rules shall be Robert's Rules of Order, Newly Revised.

Rule 9B: Presiding Officer to Direct Meetings

All discussion in Council and committee shall go through the presiding officer, who shall control the order of speakers and shall put motions offered by Members before the Council or committee for consideration and action.

Rule 9C: Reading of Legislation

Legislation shall be read by title only.

Rule 9D: Three Readings Required

All legislation shall be read on three (3) separate days at regular Council meetings, unless this requirement is dispensed with by the affirmative vote of seven (7) Members of Council, as provided in Article 3, Section 10, Subsection 4 of the Charter. A motion to dispense with the requirement that legislation be read on three (3) separate days shall be in order only if each Member has a readily accessible paper or electronic copy of the ordinance or resolution to which this motion applies; and this motion may not apply to more than one ordinance or resolution, except by unanimous consent.

Rule 9E: Parliamentary Motions

(1) Parliamentary motions are classified as follows: main motion, subsidiary motions, privileged motions, incidental motions, and renewal motions.

(2) Privileged motions do not relate to the pending business, but deal with matters of immediate importance, and given precedence, in the following order, starting with the highest:

- (A) Adjourn to a time certain
- (B) Adjourn
- (C) Recess
- (D) Raise a question of privilege, making a request relating to the rights of members
- (E) Call for orders of the day, to ask that the Council or committee conform to the agenda

(3) Subsidiary motions aid in handling the main motion. They rank below privileged motions and are listed below in order of precedence, starting with the highest:

- (A) To lay on the table, a motion to set aside business temporarily when something else of immediate urgency has arisen. This motion is not to be used simply to prevent a direct vote on a motion.
- (B) Previous question, a motion to close debate and vote immediately, which requires a 2/3 vote of the Members present and voting.
- (C) To limit or extend debate
- (D) To postpone to a day certain
- (E) To commit or refer to committee
- (F) To postpone indefinitely
- (G) To amend

(4) Incidental motions deal with questions of procedure which must be decided before business can proceed. The following incidental motions may take priority over a privileged or subsidiary motion, depending on how the motion relates to the main motion.

(A) Point of order

(B) Suspension of the rules

(C) To withdraw a motion

(D) To divide a question, asking that allows a motion with several parts be considered as two or more separate questions.

(5) A main motion to bring an item for consideration before the Council or any committee of Council is not in order when any other question is before the Council and yields to all privileged, incidental, and subsidiary motions.

(6) The following renewal motions bring a question back before the Council or committee:

(A) Take from the table

(B) Rescind, a motion to cancel the action taken in a previously approved motion

(C) Reconsider, a motion to bring back for further consideration a motion that had previously been voted on.

Rule 9F: Renewal of Motions

Motions that failed to be adopted may be renewed at another meeting, but may not be reintroduced at the same meeting.

Rule 9G: Motion to Reconsider

A motion to reconsider must be made by a Member who voted on the prevailing side when the question was first voted on and must be made on the same day or at the next meeting of the Council or committee at which the question was originally voted on.

Rule 9H: Time Limit for Members Speaking

Members may not speak for more than five (5) minutes at a time at a Council meeting on any one topic; but this limit may be extended at the discretion of the President.

Rule 9I: Non-debatable Motion Following Speech Prohibited

It shall not be in order to conclude a speech in the Council or in committee by making a non-debatable motion.

Rule 9J: Amendments

All amendments shall be germane to the subject that is proposed to be amended. All proposed amendments to an ordinance, resolution, or Motion of Council shall be in written form, except that the President or the chairperson of a committee may accept for consideration a verbal amendment that is

clear, unambiguous, and may be presented in a single sentence or a few words. A parliamentary motion need not be in written form.

Rule 9K: Committee Authority to Pass Amendments

If an amendment is approved in committee, it shall not need to be approved by Council; nor shall passage of an amendment change the number of readings in Council required for passage of an ordinance, resolution, or Motion of Council.

Rule 9L: Executive Appointments

Approval of appointments of the Executive shall require a Motion of Council. The prospective appointment shall be considered at one or more meetings of the appropriate committee, unless this requirement is dispensed with by a vote of at least eight (8) Members. The Council shall make decisions regarding appointments of the Executive based on the best obtainable information on how well the experience and qualifications of the applicant match the requirements of the position for which the applicant is being considered, and based on the need that appointees be reflective of all the people of Cuyahoga County.

Rule 9M: Expedited Consideration of Executive Appointments

If the Executive makes a recommendation for appointment at a time that does not closely coincide with the date of a Regular Council Meeting, the President may refer the appointment to the appropriate committee prior to its presentation at a Regular Council Meeting. The Clerk shall promptly notify all Members when such referral is made. An appointment referred in this manner may be approved at a single Regular Council Meeting following the committee hearing only by suspending Rule 7E, requiring Motions of Council to be heard at two Regular Council Meetings.

Rule 9N: Council Appointments

Appointments to Boards, Commissions, and Advisory Committees that the Charter directs be made by the Council shall be done by a Motion of Council. The President shall make recommendations to Council on Council appointments, based on work done by the appropriate committee to find candidates whose experience and qualifications best match the requirements of the positions for which they are being considered, and on consideration of the need that appointees be reflective of all the people of Cuyahoga County.

10. VOTING

Rule 10A: Duty to Vote and Recusal

Every Member present shall vote on every question in Council or in committee, unless the Member has recused him/herself. A Member shall recuse him/herself from voting whenever the Member has a personal or monetary interest in any manner under consideration or when voting on the matter could for any reason constitute a violation of state or county ethics law.

Rule 10B: Proxy Voting Prohibited

Proxy voting shall not be allowed in the Council or in committee.

Rule 10C: Voting Procedure

Voting on all matters shall generally be by voice vote, except that a roll call vote may be held on any matter at the discretion of the presiding officer or upon the request of any Member or the Clerk. Voting

may also be done electronically, provided that the appropriate equipment is available and that the vote of every Member is publicly displayed or announced by the Clerk. The presiding officer shall insure that the Clerk is able to record the vote of every Member on all matters. At all roll calls, the names of Members shall be called in order by the number of their district, except that the President shall vote last. At each successive Council Meeting, the Clerk shall advance the starting point in the roll call by one Member, in order to insure variation in the order in which Members vote.

Rule 10D: Change of Vote

Prior to the announcement of the vote on any question, any Member may request to change his/her vote, and such request shall be approved by the Presiding Officer, except for good cause; however, no Member shall be permitted to change his/her vote after the result of the vote has been declared.

11. LEGISLATION

Rule 11A: Information Required in Legislation

Legislation, consisting of ordinances and resolutions, shall recite the name of the sponsor(s) and cosponsors(s), the date of all readings in Council, the date of any committee reports, the date of adoption, the date of approval or disapproval by the Executive, and the date of enactment upon reconsideration if disapproved by the Executive, as applicable.

Rule 11B: Signatures Required for Adoption of Legislation

Legislation adopted shall be authenticated by the signatures of the President, the Clerk, and, if approved, by the Executive.

Rule 11C: Clerk to Maintain Legislation

Following introduction, the Clerk shall maintain all original copies of proposed and adopted legislation in a safe and permanent manner, allow for public inspection of all proposed and adopted legislation, and provide copies upon request pursuant to the public records law.

Rule 11D: Vote Required for Adoption of Legislation

Adoption of legislation shall require the affirmative vote of at least six (6) Members of Council, except as otherwise provided by the Charter, the Codified Ordinances of Cuyahoga County, or applicable general law.

Rule 11E: Effective Date of Legislation

Legislation shall take effect at the time provided for in general law, unless a later time is specified in the legislation. The time normally required for legislation to become effective may be dispensed with and an ordinance or resolution may be designated to become effective immediately upon enactment; however such action requires that the legislation contain a statement of the necessity for such action and that the legislation receive the affirmative vote of at least eight (8) Members, as specified in Article 3, Section 10, Subsection 8 of the Charter. If an ordinance or resolution fails to receive the necessary eight (8) votes to become effective immediately, the Council may amend the legislation by removing the language stating the reason for necessity that the legislation become effective immediately upon enactment and then vote on it again.

Rule 11F: Expiration of Pending Legislation

Prior to the end of each year in which a General Election for Members of Council takes place, the Council shall consider a Motion of Council, providing that legislation introduced prior to July 1 of that year and not adopted shall expire. At least two weeks prior to the consideration of that Motion of Council, the Clerk shall provide each Member a list of legislation sponsored by that Member that is set to expire. The Council may adopt this Motion of Council so as to decide which items of legislation set to expire shall expire.

Rule 11G: Reconsideration After Executive Veto

When the Executive has disapproved an ordinance or resolution, or a part or item thereof, the Council may, not later than its second regular meeting following such disapproval, proceed to reconsider the disapproved measure. If on reconsideration, it received the affirmative vote of at least eight (8) Members of Council, it shall then take effect as if it had received the approval of the Executive, as provided in Article 3, Section 10 Subsection 7 of the Charter.

Rule 11H: Publication and Codification of Legislation

All legislation shall be published on the County's website, codified as prescribed by law and these Rules of Council, and shall be kept in a permanent file, which may be in an electronic format.

Rule 11I: Codification of Legislation

The Clerk, in consultation with the Director of Law, shall regularly compile the legislation of Cuyahoga County into a code or compilation of laws in book form by title, chapter, and section, without substantive change or alteration of purpose or intent. The codification shall be known as "The Codified Ordinances of Cuyahoga County."

Rule 11J: Authorization to Make Technical Changes

The Clerk, in consultation with the Director of Law, may make technical, non-substantive changes, only to the extent deemed necessary, to convert the original ordinances to codified form, including, but not limited to:

- (1) Creating a consistent system of capitalization.
- (2) Making chapter, section, and subdivision designations consistent.
- (3) Substituting for the term "this ordinance," if necessary, a term such as "section" or "chapter."
- (4) Substituting the proper calendar date for phrases such as "effective date of this ordinance."
- (5) Elimination from the Codified Ordinances of titles to ordinances, enacting and repealing clauses, statements of facts, preambles, effective dates, declarations of severability and reasons for ordinances to become effective immediately upon enactment.

Rule 11K: Historical Record of Codified Ordinances

The Clerk, with appropriate assistance, shall prepare and maintain full historical records showing the enactment, amendment, revision, supersession, and repeal of the various sections of the Codified Ordinances.

Rule 11L: Maintenance of Codified Ordinances

The Clerk shall maintain the Codified Ordinances and historical records of the Codified Ordinances on the County's website and in a permanent file, which may be in an electronic format; however, some printed copies shall be prepared at least annually.

12. COMMITTEES

Rule 12A: Referral to Committee

All legislation shall first be introduced at a Council meeting, and the President shall then assign that legislation to committee for review and recommendation, unless the Council, through suspension of the rules, decides to dispense with committee review on any matter.

Rule 12B: Referral to Multiple Committees

The President may assign a matter to multiple committees, either simultaneously or sequentially.

(1) If a matter is referred to multiple committees sequentially, it shall be heard in Council on second reading after being reviewed by all assigned committees. The recommendations of all assigned committees shall be considered and the matter shall be reported in the form recommended by the last committee.

(2) If a matter is referred to multiple committees simultaneously, the President shall designate one of the assigned committees as the lead committee. The matter shall be heard in Council on second reading after being reviewed by all assigned committees. The recommendations on all assigned committees shall be considered and the matter shall be reported in the form recommended by the lead committee.

Rule 12C: Joint Committees

The President may assign a matter to be heard jointly by two or more standing committees. The President shall determine the Chairperson and Vice-Chairperson of the joint committee from the Chairpersons and Vice-Chairpersons of the standing committees that make up the joint committee. A quorum of the joint committee shall be a majority of all of its Members, and each Member shall have one vote on the joint committee, regardless of whether they belong to one or more of the standing committees that make up the joint committee.

Rule 12D: Subcommittees

The Chairperson of any standing committee, with the approval of the President, may appoint one or more subcommittees, comprised of Members of that standing committee, to study and make recommendations to the full committee or the Council on specific subjects within the standing committee's jurisdiction. The chairperson of each standing committee shall, with the approval of the President, appoint the Chairperson and Vice-Chairperson of each subcommittee created under that standing committee. Except for the provisions of this rule relating to the appointment of Members and officers of subcommittees, all other rules that apply to committees of Council shall also apply to subcommittees, including but not limited to rules regarding notice of meetings, keeping of minutes, advance publication of the agenda, and provision of time for public comment.

Rule 12E: Advisory Subcommittees

(1) The Chairperson of any standing committee, with the approval of the President as described more fully below, may appoint the Chairperson, Vice-Chairperson, and members of one or more advisory

subcommittees, comprised of one or more Members of that standing committee and one or more members of the general public, to study and make written recommendations to the full committee on specific subjects within that standing committee's jurisdiction. Members of the public serving on advisory subcommittees shall be electors of Cuyahoga County and shall serve at the pleasure of the Chairperson. The Chairperson of each advisory subcommittee shall be a Member of Council.

(2) Prior to the appointment of any advisory subcommittee, the President of Council shall approve the purpose, duration, persons to be appointed as officers, and persons to be appointed as members of the advisory subcommittee.

(3) Except for appointment and composition as provided above, all rules that apply to Committees of Council shall also apply to advisory subcommittees, including but not limited to rules regarding notice of meetings, keeping of minutes, advance publication of the agenda, and provision of time for public comment.

Rule 12F: Temporary Appointments to Committee

If a Member is absent from any Council committee meeting, the President may appoint a replacement as Member Pro Tem, but such appointment shall not extend beyond that meeting of the committee.

Rule 12G: Standing Committees

The following standing committees are established for the council:

- (1) Health, Human Services & Aging
- (2) Public Safety
- (3) Justice Affairs
- (4) Economic Development & Planning
- (5) Finance & Budgeting
- (6) Public Works, Procurement & Contracting
- (7) Intergovernmental Relations & Collaboration
- (8) Human Resources, Appointments & Equity
- (9) Environment & Sustainability
- (10) Rules, Charter Review, Ethics & Council Operations

Rule 12H: Committee Assignments to be for Two Years

Committee assignments shall be for a term of two years, but changes in assignments may be made at other times through a Motion of Council.

Rule 12I: President to Appoint Committees

Not later than the second Regular Council Meeting in each calendar year, the President shall appoint the Chairperson, Vice-Chairperson, and Members for each standing committee. The President shall to the best extent possible, make committee assignments that reflect the interests and experience of Members.

Rule 12J: Council to Set Regular Committee Times

Not later than the third Regular Council Meeting each year, the Council shall pass a Motion of Council, setting the regular days, meeting times, and locations for the standing committee meetings.

Rule 12K: Special Committees

The Council may, by Motion of Council, create special or ad hoc committees in addition to the standing committees. The President shall appoint the Chairperson, Vice-Chairperson, and Members for such committees in the same way as for standing committees.

Rule 12L: Committees to Appoint Secretary

Each committee, at its first meeting and at its first meeting following each Organizational Meeting, shall elect one of its Members as Secretary, who shall perform the duties of the Clerk at any meeting in which the Clerk or his/her designee is unable to be present.

Rule 12M: Quorum and Record of Attendance at Committee Meetings

A quorum for any committee shall be a majority of its Members. The Clerk shall determine the presence of a quorum by roll call at the beginning of each committee meeting, shall announce when a quorum is present, and shall keep a record of Members present. In the absence of a quorum, a committee may take testimony, but otherwise may not taken any action, other than those actions allowed to be taken in the absence of a quorum, as provided in Robert's Rules of Order, Newly Revised.

Rule 12N: Notice Requirements for Committee Meetings

Except as provided in Rule 12O, all Members shall be notified of the date, time, location, and agenda for any committee meeting at least two (2) business days before the meeting, and the same information shall at the same time be listed in the Record of Council, posted on the County's website, and posted at the Clerk's Office. For any committee meeting that is scheduled for a day, time or location other than its regularly scheduled day, time, and location as provided for in Rule 12J, the same information shall be distributed to the news media that have requested this information. The agenda shall include a list by number and short title of all legislation to be considered at the meeting.

Rule 12O: Emergency Committee Meeting

An Emergency Committee Meeting may be conducted with shorter notice than that required in Rule 12M, provided that at least twenty-four (24) hours before the meeting, all the notice requirements of Rule 12M are completed and same notice is distributed to the news media that have requested this information. At an Emergency Committee Meeting, only matters on the agenda for the meeting may be considered.

Rule 12P: Vote Required for Committee Recommendations

A majority of all Members of a committee shall be required to approve a recommendation regarding an ordinance, resolution, or Motion of Council; but all other actions may be taken with the approval of the required majority or supermajority of those present for the motion in question, providing that a quorum is present.

Rule 12Q: Committee Reports

For each committee meeting at which legislation is heard, the minutes shall include a separate section providing a status report listing all legislation heard by number and short title and stating the action taken by the committee on each item. Whenever legislation is amended in committee or a substitute version is accepted, whether or not the legislation is reported out of committee, a copy of the latest version shall be attached to the minutes, included in the Record of Council, and included in a posting of pending legislation on the County's website.

Rule 12R: Clerk or Designee to Staff Committees

The Clerk shall determine the presence of a quorum, keep minutes, and record votes at each committee meeting, but may appoint another member of Council's staff to perform these duties for any committee meeting. Minutes shall be kept at each committee meeting and shall be promptly included in the Record of Council and posted on the County's website, but in no case later than seven (7) days after the conclusion of the meeting.

Rule 12S: Committee of the Whole

The full Council may operate as a Committee of the Whole, with the President and Vice President of Council serving as the President and Vice President of the committee, respectively. The President may refer any matters to the Committee of the Whole in the same way that matters are referred to other committees.

Rule 12T: Discharge from Committee

Any matter pending before any committee or committees of Council may be discharged from committee and placed on 2nd reading upon presentation to the Clerk of a discharge petition signed by not less than six (6) Members of Council. The Clerk shall immediately notify all members when a valid discharge petition is presented. The matter discharged shall be placed on 2nd reading at the next Council meeting following presentation of the discharge petition if that Council meeting occurs at least three (3) business days following presentation of the discharge petition; otherwise, the matter discharged shall be placed on 2nd reading at the second meeting of Council following presentation.

Rule 12U: Participation of Members at Committee Meetings

Any Member may be seated at the committee table and participate in all discussions, whether or not that Member has been appointed to that committee; however, a Member who has not been appointed to a committee may not offer motions or vote at that committee.

Rule 12V: Notice Provisions for Adjourned Committee Meeting

A committee may adjourn to a time and place certain, but shall follow the notice provisions of Rule 5D in giving notice of the time and place to which the meeting is adjourned. Notice shall be given to all Members, whether or not they have been assigned to the committee.

Rule 12 W: List of Committees

The Clerk shall maintain and post on the County's website a list of all standing, joint, ad hoc, or special committees and all subcommittees and advisory subcommittees currently existing within the Council and the officers and members of each.

13. WORK SESSIONS

Rule 13A: Work Sessions

At the discretion of the presiding officer, the Council or any Committee of Council may hold a Work Session to work on matters through a more informal process.

Rule 13B: Work Sessions Considered Committee Meetings

Except as provided in Rule 14C, work sessions shall be considered committee meetings in all other respects. All other rules that apply to Council committees shall also apply to Work Sessions, including but not limited to the requirements for open meetings, advance notice of the meeting, advance publication of the agenda, keeping of minutes, and provision of time for public comment.

Rule 13C: Informal Process Permitted at Work Sessions

All Work Sessions shall be conducted under the leadership of the presiding officer, but the presiding officer may suspend the usual rules regarding the control of discussion and debate to allow for informal discussion among Members or between Members and the public and informal processes for drafting potential language for inclusion in ordinances, resolutions, and Motions of Council.

Rule 13D: No Formal Action Permitted at Work Sessions

No formal action regarding any legislation or a Motion of Council may be taken at a Work Session. The results of Work sessions shall be put into formal action at a meeting of Council or regular committee meeting, subsequent to conclusion of the Work Session.

14. OPEN MEETINGS, OPEN RECORDS, EXECUTIVE SESSION, SPECIFIC NOTICE

Rule 14A: Open Meetings

All meetings of Council or any Council committee shall be open to public and conducted only after prior public notice as required in Article 12, Section 5 of the Charter, Section 121.22 of the Ohio Revised Code, and these Council Rules.

Rule 14B: Availability of Public Records

All records of the Council that relate to public business shall be available to the public as public records as required in Article 12, Section 6 of the Charter, general law, the Codified Ordinances of Cuyahoga County, and these Council Rules.

Rule 14C: Executive Session

Notwithstanding Rule 14A, the Council or any Council committee may conduct an Executive Session under the provisions of Ohio Revised Code Section 121.22, as amended. The motion to adjourn to an Executive Session shall be specific as to the matters to be discussed during the Executive Session and shall require the affirmative vote a majority of Members present. An Executive Session may be conducted only if the intent to conduct an Executive Session is stated in the published agenda for the meeting at which the Executive Session is to be conducted. Minutes shall be kept at all Executive Sessions and shall be included within the minutes of the meeting at which the Executive session was conducted. The minutes of an Executive Session shall include the location of the meeting, the date and time that the meeting started and concluded, a list of Members present, the names and titles of other persons present, and general subject matter(s) discussed.

Rule 14D: Advance Notice of Meetings Concerning Specific Topics

Any person may visit, telephone or contact by electronic mail the office of the Clerk during that office's regular office hours to determine, based on information available at that office, the time, place, and location of regular meetings; the time, place, location, and purpose of any then known special meetings; and whether the available agenda of any such future meeting states that any specific type of public business, identified by the person, is to be discussed at such meeting. In addition, any person may request, through the Clerk's office, to obtain reasonable advance notice of all meetings at which any specific type of business is to be discussed. Any person making this request may choose to receive such notifications either by electronic mail or regular U.S. mail. The Council may set a reasonable annual fee to receive this information by regular U.S. mail, but there shall be no fee to receive this information by electronic mail.

Rule 14E: Notice Available to News Media

The Clerk shall provide to any news medium organization, upon request, information including the date, time, location, and agenda of any Special Council Meeting, Regular Council Meeting adjourned to a time and place certain, Special Committee Meeting, Emergency Committee Meeting, or a committee meeting adjourned to a time and place certain. The Clerk shall establish a procedure that complies with Section 121.22 of the Ohio Revised Code for news media to apply to receive this information on an ongoing basis.

Rule 14F: Requirements for Emergency Meeting

No Council Meeting or Committee Meeting may be held with less than twenty-four (24) hours notice unless (1) the meeting is called to deal with an emergency requiring immediate official action, (2) the appropriate rules are suspended as provided for in these Rules of Council, and (3) the public notice and other requirements of Section 121.22 of the Ohio Revised Code regarding such meetings are complied with.

15. RECORDS OF MEETINGS OF COUNCIL AND COMMITTEES

Rule 15A: Minutes of Council Meetings

The Clerk shall keep minutes of all Council meetings, which shall include the time, date, and location of all meetings; roll call of Members present; actions taken; and the vote of each Member on all questions.

Rule 15B: Minutes to be Provided to Council Members

Not later than the close of business on the second day prior to each meeting of Council, the Clerk shall provide each Member a copy of the minutes of the previous meeting, and shall provide copies of the final version of the minutes to each Member if the minutes are amended. Copies of the minutes may be provided in electronic format. The minutes shall include a written summary of actions taken at the meeting. The minutes shall also include a digital record of each Council meeting, but the digital record is not required to be included in the copies of minutes sent to Members.

Rule 15C: Record of Council

The Clerk shall keep a Record of Council, which shall be posted on the County's website and kept in a permanent file, which may be in an electronic format. The Record shall include all minutes and shall include a list of all legislation, including the number, title, sponsor, date of first reading, committee assignment, date of second reading, date of third reading, or date of dispensing with the requirement for three readings, and date of the adoption or failure to adopt. The Record of Council shall also include the agenda for all Council meetings and the agenda and minutes for all committee meetings.

16. CONTINUITY, AMENDMENT, AND SUSPENSION OF RULES

Rule 16A: Continuity of Rules

These Rules of Council shall remain in effect until amended or repealed and shall not need to be re-enacted at each Organizational Meeting of Council.

Rule 16B: Amendment of Rules

Any provision in these Council rules may be amended by adoption of a Motion of Council, approved by at least seven (7) Members of Council.

Rule 16C: Suspension of Rules

Unless otherwise specified in the Charter, the Codified Ordinances of Cuyahoga County, or these Council Rules, any rule may be suspended by a vote of 2/3 of the Members present and voting, provided that a quorum is present.

17. REQUESTS TO ADDRESS COUNCIL

Rule 17A: Public Comment at Committee Meetings

The Council encourages the public to direct any address or presentation to the applicable Committee of Council. Requests to address a committee shall be made in writing to the Chairperson of the committee, prior to addressing the committee on a form to be provided for this purpose. The request shall include the name of the requesting party and the topic(s) on which the requesting party wishes to speak.

Rule 17B: Public Comment Available at All Committee Meetings

The Chairperson shall honor all requests to address committee received before the start of a committee meeting and shall honor requests received during a committee meeting whenever it is practical to do so. The Chairperson may impose a reasonable time limit per presentation, and such time limit may be extended at the discretion of the Chairperson.

Rule 17C: Public Comment at Council Meetings

The Council shall provide time at the beginning of each Council meeting for public comment regarding items on the agenda for that meeting, and shall provide time at the end of each Council meeting for public comment that relates to County business but does not relate to the agenda for that meeting. Requests to address Council shall be made in writing to the Clerk prior to the meeting on a form to be provided for this purpose. Requests submitted to the Clerk not later than 12 Noon on the day of the meeting shall be given priority in the order of presentation. After being recognized by the President, the presenter shall state his/her name and address and may speak for not more than three (3) minutes, unless such time is extended at the discretion of the President.

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0023

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| Sponsored by: Greenspan | An Ordinance amending Cuyahoga County's permanent Code of Ethics, and declaring the necessity that this Ordinance become immediately effective. |
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WHEREAS, the Cuyahoga County Council enacted a permanent Code of Ethics in Ordinance No. O2011-0008, which was signed by the Cuyahoga County Executive and went into effect on April 8, 2011;

WHEREAS, it is necessary to amend the Code of Ethics to clarify potentially ambiguous provisions therein and to ensure that the Code of Ethics accurately reflects Council's original intent in enacting the Ethics Code; 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 RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Sections 1, 15, 22, 26, 32, 33, 34, and 35 of Article VII of the Cuyahoga County Code of Ethics, adopted as Ordinance No. O2011-0008, effective April 8, 2011, are hereby amended to read as follows (additions are bolded, deletions are stricken out):

Section 1. Definitions – As Used in this Ordinance

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| Administrative Fee | The civil penalty equivalent of a fine, levied by and payable to the Inspector General. |
| Advice | A written, expert judgment and recommendation by the Inspector General as to whether an issue raised poses ethical problems and how the issue may best be resolved. If the recipient acts in accordance with that advice, s/he is in compliance with the Code of Ethics. |
| “Anything of Value” | OHIO REVISED CODE (ORC) 1.03—As used in any section of the Ohio Revised Code for the |

~~violation of which there is provided a penalty of forfeiture, unless the context otherwise requires,~~
As used in Article VII herein, “Anything of Value” means anything, other than a Campaign Contribution, having a cumulative monetary value in excess of \$75.00 and includes:
a. Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money; B. Goods and chattels; C. Promissory notes, bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money; D. Receipts given for the payment of money or other property; E. Rights in action; F. Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the servicing and taking away; G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interest, beneficial interests, leasehold interests, and any other interest in realty; H. Any promise or future employment; I. Every other thing of value.

Associated

Associated, when used with reference to a business or an organization, includes any business or organization in which a Public Servant Public Official or a Public Servant’s Public Official’s partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five percent of the outstanding equity, or any business or organization in which a Public Servant Public Official or a partner in interest has a personal interest.

Before

A matter is "before" a public agency when it is "being considered by, decided by, or in the presence of or under the official purview of" the agency. Adv. Op. No. 2007-03.

Benefit

1. “Anything of Value” having a cumulative monetary value in excess of \$75.00; 2. Anything, regardless of its monetary value, perceived or

intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a Public Servant in the performance or nonperformance of an official action; or 3. Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the Public Servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the Public Servant in the performance or nonperformance of an official action.

The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future. The term "benefit" shall not include food and beverage.

Board An abbreviation for any authority, board, commission or special district to which County officials appoint at least one member or to which County funds are appropriated.

Business Business means an activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or nonprofit, excluding a municipal corporation or governmental entity.

Business Associate or Partner in Interest A business associate includes any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. Examples of a Public Official's business associates include, but are not limited to, the official's: (1) partners in a partnership; (2) co-owners of a business; (3)

outside employer; and (4) co-members of an LLC. Adv. Op. No. 2009-06.

Business with which a Public Official or Employee is associated

Business with which a Public Official or Employee is associated or associated business means a business in which any of the following applies:
(1) The Public Official or Employee is an owner, partner, director, officer, employee or independent contractor in relation to the business;
(2) A Public Official, Employee's or partner in interest is an owner, partner, director or officer;
(3) The Public Official, Employee or a partner in interest is a stockholder of close corporation stock which is worth at least \$1,000.00 at fair market value or which represents more than a five percent equity interest;
(4) The Public Official, Employee or a partner in interest is a stockholder of publicly traded stock which is worth at least \$5,000.00 at fair market value or which represents more than five percent equity interest, other than publicly traded stock under a trading account if the Public Official or Employee reports the name and address of the stockholder/

Campaign Contribution

Any monetary or non monetary donation to any political campaign committee.

Candidate

Means an individual who is a candidate for an elective County office, as defined in the County Charter, or an applicant for County employment or for an appointive County position.

Compensation

Money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties. Ohio Revised Code (ORC)102.01

Compensation also means "Anything of Value" that is given for services can be "compensation," whether it is in the form of cash, tangible goods or chattels, or other financial gains or benefits that accrue to the Public Servant. The services

performed by the Public Servant may be provided for the specific benefit of the individual offering the compensation or for the general benefit of the public agency and the citizens served by the agency. Adv. Op. No. 2008-01.

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| Conflict of Interest | Means not only a personal interest, as defined in this Ordinance, but also a professional or non-pecuniary interest, such as arises when the County attorney is precluded from representing one Public Servant because of the County attorney's preexisting attorney-client relationship with another Public Servant. |
| Contractor | A person or an entity business , including, but not limited to, service providers, vendors, consultants and their subcontractors, that provides goods or services to the County under terms specified in a binding, officially approved agreement. |
| County Agency | Means the County Council, any department, division, institution, board, commission, or advisory council, or other instrumentality of the County or any board, commission, or advisory council for which the Cuyahoga County Executive and/or the Cuyahoga County Council appoints one or more of its members. |
| Day | A calendar day, unless otherwise noted |
| Decision Maker | Decision maker means any Public Official or Employee or Board, Commission or Advisory Agency of Cuyahoga County empowered to act in a discretionary manner on behalf of the County in any capacity whatsoever, including the making of recommendations. To the extent this Ordinance is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a Public Official or Employee in the performance or nonperformance of an official action. In this Ordinance, the term "decision maker" is used to represent any and every Public Official or Employee who could take any discretionary action regarding a matter in which a Public |

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| | Official or Employee or a partner in interest has or may have a conflict of interest, or as a result of which a Public Official or Employee might receive a personal benefit. |
| Disclosure | The reporting of financial information, personal or business connections, gifts, activities, campaign contributions or potential conflicts of interest. |
| Domestic Partner | Any person who shares the same residence with a Public Official or Employee. |
| Finding | The official decision reached by the Inspector General after thorough investigation or a formal hearing. |
| Full Family | <p>A Public Official or Employee 's spouse, domestic partner, child children, grandchildren, parents, parents-in-law, grandparents, grandparents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, sons-in-law, daughters-in-law, nieces, nephews, aunts, uncles, or cousins (whether by marriage, lineal descent or adoption);</p> <p>A Public Official or Employee's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the Public Official or Employee or from whom the Public Official or Employee receives, directly or indirectly, more than one-half of his or her support; and</p> <p>An individual claimed by the Public Official or Employee or the Public Official or Employee's spouse as a dependent under the United States Internal Revenue Code.</p> |
| Immediate Family | A Public Official's spouse, domestic partner, child or children (whether by marriage, lineal descent or adoption). |
| Gift | Gift means any benefit or thing or act of monetary value of \$75.00 or more which is |

conveyed to or performed for the benefit of a Public Servant or a partner in interest, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is commensurate in value at least equal in value to the thing or act conferred or performed.

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| Interest | A prohibited “interest” in a public contract is a definite and direct interest that can be of either a financial or fiduciary nature. Adv. Op. No. 2009-06. |
| Lobbyist | An individual wholly or partially compensated for direct, private communication with County policy-making officials or their staffs, with the purpose of influencing the expenditure of funds in the awarding of a contract or other financial arrangement; or for making direct, private contact with same to promote, advocate or oppose the passage, modification, defeat, approval or veto of any legislation or policy. |
| Organization | “Organization” means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the “Internal Revenue Code of 1986.” |
| Of such a character as to manifest a substantial and improper influence | A thing of value is “of such a character as to manifest a substantial and improper influence” on a Public Official or Employee if it is “of such a quality, nature or kind that it could have a substantial and improper influence on the Public Official or Employee.” Adv. Op. No. 2009-01. The Commission has explained that it is unnecessary that the thing of value actually has a substantial and improper influence on the official or employee provided that it is of such a character that it could have such influences. |

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| Person | Includes “an individual, corporation, business trust, estate, trust, partnership, and association.” R.C. 1.59. Also includes governmental agencies. Adv. Op. No. 2009-01. |
| Personally rendering services | Includes, but is not limited to, representing, advising, preparing non-ministerial documents for, or consulting with, any person. Adv. Op. No. 2007-03. Examples are: (1) negotiating or discussing matters with agency personnel or contractors; (2) appearing at an agency meeting or hearing; and (3) preparing pleadings or documents to be filed with or submitted to an agency. A person would be personally rendering services if he or she prepared and submitted, to a state agency, any grant or investment proposals, contract bid packages, responses to requests for proposals, or any other submission for financial support for a client or customer. |
| Position of Profit | ”:- A Public Official occupies a “position of profit” in the prosecution of a public contract when he or she receives some financial gain or benefit that is definitely and directly related to the carrying out and completion of a contract that he or she authorized or that was authorized by a board of which he or she is a member. Adv. Op. No. 2009-05 |
| Prohibited Source | A party that gives or promises an unlawful gift to any Public Official, specifically a party doing or seeking to do business with, regulated by, or interested in matters before the County, its departments, agencies, boards or commissions, including any lobbyist or contractor. |
| Public Officials and Employees | Any elected or appointed officer, or employee, or volunteer, or agent of the County or board, commission or agency member, whether in a temporary or permanent capacity.” The definition applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position. |

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| Relatives | The definition for Full Family and Relatives shall be interchangeable. |
| Use Of or Authorization of the Use Of | The authority or influence of one's office or employment: Voting on, recommending, deliberating about, discussing, lobbying, or taking any other formal or informal action within the scope of a Public Official's or employee's public authority is "use of," or "authorization of the use of" the authority or influence of a Public Official's or employee's office or employment. Adv. Op. No. 2010-03. |
| Whistleblower | A person who reports possible crimes or violations of this Code of Ethics. |

Section 15. Employee Contributions to an Elected Employer.

No Public Official or Employee shall make political contributions to or raise funds for their own elected County employer. Exempted from this total prohibition are voluntary employee contributions to candidates for any other Public office.

Section 22. Disclosure of conflict of interest or potential conflict of interest.

(A) **Unless the Public Official or Employee recuses themselves,** a Public Official or Employee who has or may have a conflict of interest in a matter which requires an official action by any decision maker shall, before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest to the Inspector General. If the Inspector General believes that no conflict of interest exists, or that despite any alleged or potential special interest, such Public Official or Employee is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the Public interest, then the member shall so state in the written disclosure.

(B) If the Public Official or Employee has or may have a conflict of interest in any matter before the County, such Public Official or Employee shall not discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member has a conflict of interest.

(C) ~~Any Public Official or Employee who has or may have a conflict of interest shall disclose it to the Inspector General.~~ After receiving a **conflict of interest** disclosure, the Inspector General shall:

- (1) Maintain a record of such disclosure; and
- (2) Promptly forward copies of the disclosure to any person named in the disclosure.

(D) Any Public Official or Employee who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General.

(E) A Public Official or Employee, in addition to disqualifying her/himself from participation in any decision regarding the pecuniary or employment interest of a partner in interest, shall make known the existence of the relationship and the interest by filing with the Inspector General a written disclosure of the relationship and the nature and extent of the conflict of interest involved.

Section 26. Boards, Commissions and Advisory Board Appointments

Unless such appointment is provided for by statute, the County Charter, County ordinance or otherwise by operation of law, no County appointing authority shall appoint any person ~~No appointee to a Board, Commission or Advisory Board shall have one or more~~ **who has any of the following conflicts of interest with the intended Board's objective and impartial operations:**

(A) **An elected or appointed employee of employment with the County during the 12 months immediately preceding the Board appointment may not be appointed to any Board, Commission or Advisory Board if the Ohio Attorney General's *Index of Compatibility of Public Offices and Positions* provides that such appointment is incompatible with the elected or appointed employee's position with the County. If the Index does not address the appointment, the County appointing authority shall request the opinion of the Inspector General on whether the appointment is incompatible, and the Inspector General or his or her designee in the Inspector General's office shall provide said opinion within five (5) business days of the request;**

(B) One or more full family members or business associates serving on the same Board, Commission or Advisory Board; or

(C) An interest in one or more public contracts of the County or contracts in effect with or under consideration by that Board, Commission or Advisory Board.

Section 32. Lobbyist Registration and Reporting

(A) Registry. All lobbyists shall register with **the** Inspector General. The Registry form shall include the entity for which the person is lobbying, the employer's name, type of business and current contact information. Registrations shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.

(B) Signed Ethics Statement and Training. Lobbyists shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance and attend Ethics Training within 15 days of approval from the Inspector General.

(C) Applications. All lobbyists shall file an application ~~to~~ **with** the Inspector General every April 15 and October 15 containing the following:

1. A current list of the contracts or policies they are trying to influence; **and**
2. Campaign contributions to County elected officials.

(D) Penalties. A lobbyist who fails to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in compliance. A lobbyist who is found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.

(E) Authorization. No lobbyist shall engage in any lobbying activity until the registration process has been completed and approved by the Inspector General.

(F) Registration Date. All lobbyists must register with the Inspector General ~~for~~ annually on or before December 31 for the subsequent year to which they wish to engage in lobbying activities. First

time registration may take place at anytime during the calendar year for the year in which lobbying activity is to take place.

(G) Term. All Lobbyist registrations ~~term~~ shall expire on December 31 **for the respective registration year.**

(H) Transparency. The Inspector General shall make all registrations available for public inspection and shall publish an active Lobbyist Registration List on the County website.

(I) Application Fee: \$100.00

Section 33. Prohibited Activities by Lobbyists

Lobbyists are prohibited from:

(A) Paying for any food, or beverages, or "Anything of Value" for any Public Officials or Employees; **and**

(B) Making campaign contributions for or **otherwise** on behalf of any elected officials or candidates for public office **to any other elected officials or candidates for public office.**

Section 34. Contractors Registration and Reporting

(A) Registry. All contractors doing or seeking to do business with the County must register with the Inspector General. The registration form shall include, **without limitation**, ~~but not be limited to:~~ **the contractor's** corporate name, Federal Tax Identification Number, address, type of business, and names of **the contractor's** principals and contracts with the County during the past four years. Registrations shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.

(B) Signed Ethics Statement and Training. Contractors shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance and attend Ethics Training within 15 days of approval from the Inspector General.

(C) First-time Awards. Registration and the signed ethics statement shall be pre-conditions for the signing of any first-time contract with the

County. Contractors must register with the Inspector General before they submit competitive bids.

(D) Penalties. Contractors who fail to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in compliance. Contractors who are found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.

(E) Authorization: No Contractor shall engage in any contracting activity until the registration process has been completed and approved by the Inspector General.

(F) Registration Date: All Contractors must register with the Inspector General for annually on or before December 31 for the subsequent year to which they wish to engage in contracting/lobbying activities. First time registration may take place at anytime during the calendar year for the year in which contracting activity is to take place.

(G) Term: All Contractor ~~term~~ registrations shall expire on December 31 **for the respective registration year.**

(H) Transparency . The Inspector General shall make all registrations available for public inspection and shall publish an active Contractor Registration List on the County website.

(I) Application Fee: \$100.00

Section 35. Prohibited Activities by Contractors

Contractors are prohibited from:

(A) Paying for any food, or beverages, or “Anything of Value” for any Public Officials or Employees; **and**

(B) Making campaign contributions for or **otherwise** on behalf of any elected officials or candidates for public office **to any other elected officials or candidates for public office.**

SECTION 2. The Cuyahoga County Code of Ethics, adopted as Ordinance No. O2011-0008, effective April 8, 2011, is hereby further amended to add Article X to read as follows:

ARTICLE X. CORRECTION OF TYPOGRAPHICAL ERRORS

The Clerk of Council may at any time, with the approval of the Director of Law or his/her designee within the Department of Law, correct typographical errors appearing in this Ordinance, but no such change shall in any way affect the substance or meaning of this Ordinance or any part thereof.

SECTION 3. Necessity. It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

SECTION 4. Open Meetings. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

Journal CC002
April 26, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0024

| | |
|--------------------------------|---|
| Sponsored by: Greenspan | An Ordinance amending County Resolution Nos. 052208 and 052209, each dated 6/2/2005, which established charges payable for connection to the County's water and sewer supply facilities in County Sewer District No. 14 for the period 12/30/2010 - 12/29/2011 and County Council Ordinance No. 02011-0007 as amended; and declaring the necessity that this Ordinance become immediately effective. |
|--------------------------------|---|

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

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

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

WHEREAS, based upon the 2008 Ohio EPA communication, the residents of Cook, MacKenzie and Stearns Roads maintain that they relied on this inaccurate information and did not pay the connection fees earlier and were quoted significantly higher costs due to price increases from the 2008 rates; and,

WHEREAS, on January 25, 2011, this Council passed Ordinance No. 02011-0007 which previously acknowledged the connection fee issue as outlined above, and amended Resolution Nos. 052208 and 052209 to reflect the water and sewer connection fees as established in 2008 and applied those rates to the current water and sewer connection fees; and,

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

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

SECTION 1. Cuyahoga County Resolution Nos. 052208 and 052209, each dated 6/2/2005, which established charges payable for connection to the County's water and sewer supply facilities in County Sewer District No. 14 for the period 12/30/2010 - 12/29/2011 and County Council Ordinance No. 02011-0007 as amended, are hereby amended to reflect a twenty (20) year repayment period for affected property owners on Cook, MacKenzie and Stearns Roads.

SECTION 2: Any affected property owners on Cook, MacKenzie and Stearns Roads who have previously paid sewer and water connection fees under the 2010 or 2011 rates shall be refunded any amounts paid in excess of the 2008 rates as set forth in Ordinance No. 02011-0007.

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

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: _____
Committee Assigned: _____

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0020

| | |
|---|--|
| Sponsored by: Rogers, Miller, Jones, Brady, Germana, Conwell, Connally and Simon | An Ordinance providing for complimentary parking for members of the public to attend regularly scheduled evening and committee meetings of the County Council, at the Huntington Park Garage, on a space-available basis, in order to encourage public attendance and participation in the new County government; and declaring the necessity that this Ordinance become immediately effective. |
|---|--|

WHEREAS, the Cuyahoga County Council is proud to serve the citizens of Cuyahoga County and invites citizens to voice their opinions, ideas, and concerns; and,

WHEREAS, the Cuyahoga County Council encourages public attendance at and participation in its meetings, yet is cognizant of the fact that many members of the public may be discouraged or unable to attend because of the additional cost of parking; and,

WHEREAS, this Council has discussed that public attendance Council meetings may be increased if members of the attending public are provided with complimentary parking and therefore provide more public participation in the new County government; and,

WHEREAS, Cuyahoga County owns the Huntington Park Garage, located at 1141 West 3rd Street, Cleveland, Ohio and has determined that it will provide complimentary parking vouchers for citizens who choose to attend regularly scheduled Cuyahoga County Council meetings; and,

WHEREAS, this Council by a vote of at least eight (8) members finds that it is necessary that this Ordinance become immediately effective in order that the functions of Council can continue, and to provide for the usual, daily operation of Council; and

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

SECTION 1: That the County shall provide complimentary parking for the public to attend evening and committee meetings of the County Council at the Huntington Park Garage, on a space-available basis, as provided in this Ordinance.

SECTION 2: Complimentary parking will be available beginning at 4 PM on any day when the Council or any of its committees holds evening meetings.

SECTION 3: That Clerk of Council will make vouchers available for visitors to pick up when leaving the County Council meeting. The voucher will be stamped for the day of the meeting and will be honored for complimentary parking at the Cuyahoga County Huntington Park Garage, located at 1141 West 3rd Street, Cleveland, Ohio on that day only.

SECTION 4: On days when all available parking at Huntington Park Garage may be needed for a major event, the Director of Public Works, or their designee, may cancel complimentary parking for that day. At least two weeks' notice shall be provided on the County's website.

SECTION 5. Complimentary parking vouchers for County Council shall be printed so as to be distinct from other parking documents used at the Huntington Park Garage. The Director of Public Works shall maintain a record showing the dates that vouchers were honored and the number honored on each date, and shall provide this information to the Clerk of Council on a quarterly basis.

SECTION 6. It is necessary that this Ordinance become immediately effective in order that the functions of Council can continue, and to and to provide for the usual, daily operation Council. Provided that this Ordinance receives the affirmative vote of at least eight (8) members of Council, this Ordinance shall take effect and be in force immediately upon its adoption by the Council and signature of the County Executive.

SECTION 7. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee/Additional Sponsors: March 22, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC002
April 26, 2011

COUNCIL OF CUYAHOGA COUNTY, OHIO

ORDINANCE NO. 2011-0014

SPONSORED BY: Councilpersons Dale Miller, Pernel Jones, Jr., Yvonne Conwell, Julian Rogers, and Chuck Germana

An Ordinance establishing the Board of Control, establishing procedures governing the making of County contracts and the purchasing of County supplies and equipment, providing procedures for the making of public improvements, establishing procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County, and providing the terms upon which the County may cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof in making public improvements or providing common services.

WHEREAS, Article 3, Section 9, Subsections 2, 3, 4, 8, and 9 of the Cuyahoga County Charter provide for the following as powers of the Cuyahoga County Council:

Article 3, Section 9, Subsection 2: To establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in this Charter, as the Council determines to be necessary for the efficient administration of the County.

Article 3, Section 9, Subsection 3: To establish procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County.

Article 3, Section 9, Subsection 4: To establish procedures governing the making of County contracts and the purchasing of County supplies and equipment pursuant to competitive bidding.

Article 3, Section 9, Subsection 8: To cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for providing a common service, and to provide the terms upon which the County shall perform any of the services and functions of any other county or any municipality or other political subdivision. If furtherance of such intergovernmental cooperation, the Council may provide for grants or loans to other political subdivisions and public agencies.

Article 3, Section 9, Subsection 9: To provide for the procedure for making public improvements and levying assessments for such improvements; and

WHEREAS, Cuyahoga County Council adopted Ordinance No. 2011-0002, providing procedures for making contracts, receiving or providing grants or loans, and making real estate transactions, adopted on January 3, 2011 and effective on January 10, 2011, and

WHEREAS, Ordinance No. 2011-0002, as amended, was adopted as a temporary measure, and is set to expire on May 10, 2011, and

WHEREAS, procedures used for contracting and procurement need to enable Cuyahoga County to be efficient, flexible, and transparent and to facilitate effective oversight by County Council;

THEREFORE, be it hereby ordained by the Council of the County of Cuyahoga, State of Ohio that:

SECTION 1: The policies and procedures of Cuyahoga County, Ohio, relating to contracts, purchases, sales, leases, grants, and loans are established as follows:

Chapter 1: Establishment of the Board of Control

Section 1.1: 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 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.

Section 1.2: 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: 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: 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: 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: 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 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.

Section 1.8: 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: The Board of Control shall meet weekly, at a regular time determined by the Board of Control.

Section 1.10: A quorum for the Board of Control shall consist of four (4) members, or their alternates or replacements.

Section 1.11: Except as provided in Section 2.10 (G) 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: The Board of Control shall, consistent with the provisions of this ordinance, adopt its own rules of procedure.

Section 1.13: 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: 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 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: The Board of Control may conduct a special meeting at a time other than its regularly scheduled time. In the event of an emergency, the Board of Control may conduct a meeting with less notice than that required by Section 1.15 of this ordinance. For any special or emergency meeting, in addition to the notice requirements of Section 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: 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: Notwithstanding the requirement in Section 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 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: 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: The Board of Control shall be subject to all state laws and county ordinances concerning public meetings and public records.

Section 1.20: The Clerk of the Board of Control, in consultation with the Fiscal Officer, the Director of Public Works, and the Director of Purchasing, may set a deadline for the submission of items for the agenda by county departments for each meeting.

Section 1.21: 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: Approvals Required for Contracts, Purchases and Sales, Leases, Grants, and Loans

Section 2.1: The County Executive, through the appropriate departments of county government acting under his/her direction may enter into all contracts, accept or make grants, purchase, sell or lease any real estate or real estate interests, 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 or his/her designees in accordance with procedures established by this ordinance and the County Executive.

Section 2.2: For the purposes of the ordinance, "contract" shall not include:

- (A) an employment contract between the County and any regular full-time or part-time employee of the County and
- (B) any contract entered into in settlement of litigation.

Section 2.3: 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 2.4: Exercise of an option on a contract shall require approval of the County Council or the Board of Control if the thresholds provided for in Section 2.10(A) and 2.11(A), respectively, for approval of contracts are met.

Section 2.5: In applying the thresholds provided for in Sections 2.10 and 2.11 of this ordinance, proposed contract(s) with multiple vendors to provide essentially the same product or service at the same time shall be handled as a single contract, and a subsequent proposal to change quantities among such multiple vendors shall be handled as a single contract amendment.

Section 2.6: 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 2.7: 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 2.6 of this ordinance, in the change order or amendment.

The term "change order or amendment" shall include the use of county contingency funds.

Section 2.8. 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 2.10 (G) and 2.11 (C) of this ordinance.

Section 2.9: Except as provided for in Sections 2.10 (G) and (I) and Sections 2.11 (C) and (D) , approvals provided for in Sections 2.10 and 2.11 of the ordinance shall be required to enter into a contract 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 2.10: The following transactions shall require approval by the County Council:

(A) All contracts, purchases, grants provided by the county, or loans provided by the county for more than \$500,000;

(B) Any loan in which the county, or any entity thereof, is the borrower;

(C) All contracts, purchases, loans, leases, or other transactions which create an obligation which would require the appropriation of additional funds not previously authorized;

(D) All purchases or sales of real estate or real estate interests for more than \$50,000 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 \$50,000;

(E) All real estate transactions other than at fair market value;

(F) 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;

(G) Any change order or amendment to a contract that is submitted to the Board of Control for which the change order or amendment does not receive an affirmative vote of one County Council member on the Board of Control.

(H) Any contract or agreement with one or more other political subdivisions or governmental agencies made pursuant to Article 3, Section 9, Subsection 8 of the Charter;

(I) 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 County Council.

Section 2.11: The following transactions shall require approval by the Board of Control:

(A) All contracts, purchases, grants provided or by the County, or loans provided by the County for more than \$100,000 but not more than \$500,000, except that the County Executive and/or the Director of Economic Development may make loans of not more than \$200,000 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 but not more than \$50,000 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 but not more than \$50,000;

(C) Any change order or amendment of \$25,000 or more using the definition provided in Section 2.7 of this ordinance for contracts with a value of less than five million dollars or \$50,000 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.

Section 2.12: During any construction or renovation project, the county's representative, 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.

Section 2.13: Any item submitted to the County Council or the Board of Control which includes a request for approval for the expenditure of money shall specify the funding source(s) to be used.

Section 2.14: 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 4.4 of this ordinance.

Section 2.15: In an emergency which threatens the life, health, or property in the county and in which official action is needed prior to when a meeting of the County Council or the Board of Control could take place, the County Executive may enter into contracts or leases or make purchases not to exceed \$500,000 for any one emergency event, without obtaining the approval of the County Council or the Board of Control. 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.

Section 2.16: The County Executive may accept grants on behalf of the county without specific approval from 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.

Section 2.17: The County Executive may refer an item to the County Council for approval that otherwise would require approval from the Board of Control.

Chapter 3: General Provisions

Section 3.1: 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 3.2: All contracts, purchases, sales, leases, grants, or loans must be reviewed for legal form 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 3.3: 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 3.4:

(A) Except as provided in Section 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 the professional services of an accountant, architect, attorney at law, physician, engineer, consultant, surveyor, or appraiser, or construction manager;
- (3) The purchase is made in response to an emergency as provided for in Section 2.15 of this ordinance or the purchase is approved by the County Council or the Board of Control, 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:
 - (a) 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;
 - (b) 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 3.13 of this Ordinance; and
 - (c) 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 supplies or a replacement or a supplemental part or parts for a product or equipment owned or leased by the county, and the only source of supply for the supplies or part(s) 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 purchase is from the federal government, the state, another county or contracting authority of another county, or a board of education, township, or municipal corporation;

(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 contracting authority determines 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 3.13(B) of this ordinance;

(16) Except regarding the limit provided for in Section 3.4(B)(1) of this ordinance, the purchase is for any other purpose that may be done without competitive bidding according to Section 307.86 of the Ohio Revised Code.

(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.

(D) Whenever the county makes purchases other than by competitive bidding and the county is able to identify multiple 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.

Section 3.5: 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 3.6: 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 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 3.7: 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. If applicable, each of the following factors shall be considered in determining whether a bid is the lowest and best bid:

(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, RFP, or RFQ 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 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.

Section 3.8: 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 five (5) years;

(G) has not had the professional license of any of its employees revoked in the past five (5) years in Ohio or any other state;

(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 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 this section.

Section 3.9: If any material breach of contractual obligations or the certifications provided for in Section 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 3.10: No contract shall be entered into unless all the provisions of state law and county ordinances related to ethics policy have been met.

Section 3.11: 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 3.12: 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 3.13: To the extent permitted under the home rule powers available to Cuyahoga County as a charter county, 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 3.14: 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.

Chapter 4: Notification Requirements

Section 4.1: 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, other than real estate transactions, regardless of dollar amount, and all purchases and sales, other than real estate transactions, for \$1000 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 4.2: 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 4.3: 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 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 4.4: 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 4.5: The databases provided for in Sections 4.1, 4.2, 4.3, and 4.4 of this ordinance shall be in operation and posted on the county's website starting not later than June 30, 2011, with the exception that the searchable features of the databases shall be in operation no later than March 31, 2012.

Section 4.6: Only transactions executed on or after the effective date of this ordinance shall be required to be included in the databases provided for in Sections 4.1 and 4.2 of this ordinance. Only transactions initiated by formal, public action on or after the effective date of this ordinance shall be required to be included in the databases provided for in Sections 4.3 and 4.4 of this ordinance.

Section 4.7: Notwithstanding any other provisions of this chapter, the databases provided for in Sections 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 4.8. 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 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 4.9: 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 since the previous list was provided. Any change or amendment in which the total additions exceeds \$50,000 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. It is found and determined that all formal actions of this County Council meeting relating to the adoption of this ordinance were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3: Effective Date. It is hereby found and determined necessary for this ordinance to become immediately effective, for the reasons that this ordinance provides for the usual daily and necessary operations of Cuyahoga County government and that existing ordinance 2011-0002, as amended, is a temporary measure that is set to expire on May 10, 2011; therefore, this ordinance, provided that it receives the affirmative vote of at least eight (8) members of County Council, shall become effective on May 11, 2011, except for any section for which a different effective date is provided in the ordinance; otherwise, it shall be in full force and effect from and immediately after the earliest time permitted by law.

On a motion by _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: February 22, 2011
Committee Assigned: Public Works, Procurement & Contracting

Second Reading/Referred to Committee: March 22, 2011
Committee Assigned: Public Works, Procurement & Contracting

Third Reading/Referred to Committee: April 12, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC002
April 26, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0164

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

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

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

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

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

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

| | <u>Fund Nos./Budget Accounts</u> | <u>Journal Nos.</u> |
|----|---|---------------------|
| A. | 20A807 – EC-Invest in Children | BA1100389 |
| | EC451393 – Program Administration | |
| | Other Expenses \$ 25,000.00 | |

Funding Source: Donation from the Eaton Charitable Fund.

| | | |
|----|---|------------------|
| B. | 21A961 – Recycling Market Development Grant | BA1100393 |
| | SM757427 – Special Assessment Grant | |
| | Other Expenses | \$ 33,000.00 |

Funding Source: Revenue generated.

| | | |
|-----|---|------------------|
| C1. | 21A863 – Recycling Market Development | BA1100392 |
| | SM757641 – Recycling Market Development | |
| | Other Expenses | \$ (15,000.00) |

| | | |
|-----|-----------------------------|----------------|
| C2. | 21A862 – Scrap Tire Grant | |
| | SM757633 – Scrap Tire Grant | |
| | Other Expenses | \$ (50,000.00) |

| | | |
|-----|---|----------------|
| C3. | 21A649 – Greater Cleve Habitat for Humanity | |
| | SM757856 – Greater Cleve Habitat for Humanity | |
| | Other Expenses | \$ (17,696.00) |

| | | |
|-----|-------------------------|----------------|
| C4. | 21A139 – Recycle Ohio | |
| | SM743864 – Recycle Ohio | |
| | Other Expenses | \$ (21,197.37) |

| | | |
|-----|----------------------------|----------------|
| C5. | 21A133 – Recycle Ohio 98 | |
| | SM757336 – Recycle Ohio 98 | |
| | Other Expenses | \$ (10,618.09) |

Funding Source: Revenue generated.

| | | |
|----|---|------------------|
| D. | 21A804 – Treatment Capacity Expansion Services | BA1100395 |
| | JA752154 – Treatment Capacity Expansion Services FY11 | |
| | Personal Services | \$ (18,595.00) |

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

| | | |
|----|--|------------------|
| E. | 21A860 – Adult Drug Court Project | BA1100396 |
| | JA763433 – Adult Drug Court Project FY11 | |
| | Personal Services | \$ (90,302.95) |

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

| | | |
|----|-----------------------------------|------------------|
| F. | 21A418 – TASC Drug Court | BA1100397 |
| | JA752659 – FY2011 TASC Drug Court | |
| | Personal Services | \$ (71,745.24) |
| | Other Expenses | \$ (70,477.26) |

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

G. 21A311 – TASC **BA1100398**
 JA752642 – TASC FY11
 Personal Services \$ (382,483.00)
 Other Expenses \$ (396.00)

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

H. 21A804 – Treatment Capacity Expansion Service **BA1100399**
 JA751933 – Treatment Capacity Expansion FY10
 Personal Services \$ (70.36)

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

I. 20A814 – Wireless 911 Government Assistance **BA1100400**
 JA106773 – Wireless 911 Government Assistance
 Personal Services \$ 251,000.00
 Other Expenses \$ 116,000.00

Funding Source: Funding is from fees assessed on each 911 phone call placed in Cuyahoga County as established under House Bill 361.

J. 22S274 – Home Weatherization Assistance Program (HWAP) **BA1100355**
 American Reinvestment and Recovery Act (ARRA) 2009 - 2010
 DV725218 – HWAP ARRA Department of Energy Support 2009 - 2010
 Personal Services \$ 569.29

Funding Source: U.S. Department of Energy dollars passed through the Cleveland Housing Network.

K. 22A040 – 2011 Lead Hazard Reduction Grant **BA1100356**
 DV708974 – Lead Hazard Reduction Grant **BA1100357**
 Personal Services \$ 441,250.00
 Other Expenses \$ 2,571,250.00

Funding Source: U.S. Department of Housing and Urban Development (HUD). The grant requires no County match.

L. 22A003 – 2008 Neighborhood Stabilization Program (NSP) **BA1100361**
 DV712810 – 2008 NSP Project Plan
 Other Expenses \$ 213,919.00

Funding Source: U.S. Department of Housing and Urban Development (HUD). The grant requires no County match.

M. 01A001 – General Fund **BA1100411**
 MC001016 – Medical Mart Operating Account
 Other Expenses \$ 13,850,000.00

Funding Source: General Fund

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

| | | <u>Fund Nos. /Budget Accounts</u> | <u>Journal Nos.</u> |
|--|-------|--|---------------------|
| A. | FROM: | 20A425 – Treatment Services Medicaid Funds JA107722 – Treatment Services Medicaid Funds Personnel Services \$ 9,959.00 Capital Outlays \$ 21.00 | BA1100377 |
| | TO: | 20A425 – Treatment Services Medicaid Funds JA107722 – Treatment Services Medicaid Funds Other Expenses \$ 9,980.00 | |
| Funding Source: Funding is from costs reimbursed under the Social Security Act for eligible Medicaid expenses. | | | |
| B. | FROM: | 22A718 – Emergency Shelter Grant 2010 DV713446 – Emergency Shelter Grant 2010 Personal Services \$ 5,003.82 | BA1100359 |
| | TO: | 22A718 – Emergency Shelter Grant 2010 DV713446 – Emergency Shelter Grant 2010 Other Expenses \$ 5,003.82 | |
| Funding Source: U.S. Department of Housing and Urban Development (HUD). | | | |

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

| | | <u>Fund Nos. /Budget Accounts</u> | <u>Journal Nos.</u> |
|-----|-------|---|---------------------|
| A1. | FROM: | 29A390 – Health and Human Services Levy 2.9 SU513986 – Employment and Family Subsidy 2.9 Transfer Out \$ 687,883.84 | JT1100088 |
| | TO: | 24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer \$ 687,883.84 | |
| A2. | FROM: | 29A390 – Health and Human Services Levy 2.9 SU513986 – Employment and Family Subsidy 2.9 Transfer Out \$ 302,381.72 | |

TO: 24A510 – Work and Training Admin.
 WT137109 – Administrative Services
 Revenue Transfer \$ 302,381.72

A3. FROM: 29A389 – Health and Human Services Levy 4.9
 SU513325 – Employment and Family Subsidy 4.9
 Transfer Out \$ 1,122,336.80

TO: 24A510 – Work and Training Admin.
 WT137109 – Administrative Services
 Revenue Transfer \$ 1,122,336.80

A4. FROM: 29A389 – Health and Human Services Levy 4.9
 SU513325 – Employment and Family Subsidy 4.9
 Transfer Out \$ 493,359.64

TO: 24A510 – Work and Training Admin.
 WT137109 – Administrative Services
 Revenue Transfer \$ 493,359.64

Funding Source: Health and Human Services Levy Fund.

B. FROM: 20A425 – Treatment Services Medicaid Funds **JT1100109**
 JA107722 – Treatment Services Medicaid Funds
 Transfer Out \$ 9,706.87

TO: 01A001 – General Fund
 RC172288 – County Recorder-Automation
 Revenue Transfer \$ 9,706.87

Funding Source: Funding is from costs reimbursed under the Social Security Act for eligible Medicaid expenses.

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

SECTION 5. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees

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

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

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

Journal CC002
April 26, 2011

April 19, 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 April 26, 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 |
|---|------------------------|
| Medical Mart Operating Account – Additional appropriation requested to fund total required transfer of project revenue to the bank trustee per the trust indenture. | \$13,850,000.00 |
| TOTAL | \$13,850,000.00 |

| Other Operating Funds | Amount |
|--|---------------------|
| Justice Services – Increasing appropriation to cover personal services as well as a pending contractual obligation for a 9-1-1 Public Safety Answering Point assessment. Funding is from fees assessed on each 9-1-1 phone call placed in Cuyahoga County. | \$367,000.00 |
| Total | \$367,000.00 |

| Grants/Projects | Amount |
|--|---------------|
| Early Childhood/Invest in Children – To appropriate a private donation from the Eaton Charitable Fund. | \$25,000.00 |
| Solid Waste Management District – To appropriate the Ohio Department of Natural Resources' Recycling Market Development grant to expand recycling opportunities in downtown Cleveland. | \$33,000.00 |
| Solid Waste Management District – Decreasing appropriation to close-out various grants from the Ohio Department of Natural Resources. | -\$114,511.46 |
| Justice Services – Decreasing appropriation to close-out the Treatment Capacity Expansion Service FY11 grant from the Ohio Department of Alcohol & Drug Addiction Services. This grant was reissued to Common Pleas Court as part of the Treatment Alternatives to Street Crimes program move. | -\$18,595.00 |
| Justice Services – Decreasing appropriation to close-out the Adult Drug Court Project FY11 grant from the Ohio Department of Alcohol & Drug Addiction Services. This grant was reissued to Common Pleas Court as part of the Treatment Alternatives to Street Crimes program move. | -\$90,302.95 |
| Justice Systems – Decreasing appropriation to close-out the Treatment Alternatives to Street Crimes Drug Court grant from the Ohio Department of Alcohol & Drug Addiction Services. This grant was reissued to Common Pleas Court as part of the Treatment Alternatives to Street Crimes program move. | -\$142,222.50 |
| Justice Services – Decreasing appropriation to close-out the Treatment Alternatives to Street Crimes FY11 grant from the Ohio Department of Alcohol & Drug Addiction Services. This grant was reissued to Common Pleas Court as part of the Treatment Alternatives to Street Crimes program move. | -\$382,879.00 |
| Justice Services – Decreasing appropriation to close-out the Treatment Capacity Expansion Service grant from the | -\$70.36 |

| | |
|--|-----------------------|
| Cuyahoga County Alcohol, Drug Addiction, & Mental Health Services Board. | |
| Development – Increase in appropriation to cover expenses for the 2009 – 2010 Home Weatherization Assistance Program from the U.S. Department of Energy. | \$569.29 |
| Development – To appropriate the 2011 Lead Hazard Reduction grant from the U.S. Department of Housing and Urban Development. | \$3,012,500.00 |
| Development – To appropriate the 2008 Neighborhood Stabilization Program from the U.S. Department of Housing and Urban Development. | \$213,919.00 |
| TOTAL | \$2,536,407.02 |

| | |
|--|------------------------|
| Total Additional Appropriations - All Funds | \$16,753,407.02 |
|--|------------------------|

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

APPROPRIATION STATUS SUMMARY:

| | <u>04/12 Agenda</u> | <u>Year to Date</u> | <u>Adjusted Annual Appropriation</u> |
|--------------|------------------------|-------------------------|--------------------------------------|
| General Fund | \$ 13,850,000.00 | \$ 14,259,008.12 | \$ 319,191,160.12 |
| Other Fund | \$ <u>2,903,407.02</u> | \$ <u>48,737,516.11</u> | \$ <u>1,457,731,245.11</u> |
| Total | \$ 16,753,407.02 | \$ 62,996,524.23 | \$ 1,776,922,405.23 |

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 |
|--------------------------------------|----------|
| TOTAL | 0 |

| Other Operating Funds | Amount |
|--|-------------------|
| Justice Services – To cover a cash transfer which will allow the final payment to the Recorder's division of the Fiscal Office for the scanning of closed treatment services files and for a future transfer to the Department of Children & Family Services to close-out the fund. Funding is from reimbursements for eligible Medicaid expenses under the Social Security Act. | \$9,980.00 |
| TOTAL | \$9,980.00 |

| | |
|--|-------------------|
| Total Appropriation Transfers - All Funds | \$9,980.00 |
|--|-------------------|

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

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

| General Fund/Health & Human Services | Amount |
|--|-----------------------|
| Health & Human Services Levy – To cover the mandated share for Temporary Assistance to Needy Families and Non- Temporary Assistance to Needy Families related administration for Medicaid and food related expenses per the Ohio Revised Code Section 5101.16. This represents the first quarter payment for 2011. | \$2,605,962.00 |
| Total | \$2,605,962.00 |

| Other Operating Funds | Amount |
|---|-------------------|
| Justice Services - To cover a transfer to allow the final payment to the Recorder's division of the Fiscal Office for the scanning of closed treatment services files. Funding is from reimbursements for eligible Medicaid expenses under the Social Security Act. | \$9,706.87 |
| TOTAL | \$9,706.87 |

| Grants/Projects | Amount |
|--|-------------------|
| Development – Realignment of budget to cover a contract with Transitional Housing. Funding is from the U.S. Department of Housing and Urban Development. | \$5,003.82 |
| TOTAL | \$5,003.82 |

| | |
|---|-----------------------|
| Total Cash Transfers - All Funds | \$2,620,672.69 |
|---|-----------------------|

Thank you for your consideration regarding this matter.

Sincerely,



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

MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council
FROM: Matthew Rubino, Office of Budget & Management
DATE: April 19, 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 April 26, 2011. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

Resolution: Additional Appropriations

| | | |
|----|-----------------------------------|------------------|
| A. | 20A807 – EC-Invest in Children | BA1100389 |
| | EC451393 – Program Administration | |
| | Other Expenses | \$ 25,000.00 |

Request to add additional appropriation to the Office of Early Childhood's 2011 operating budget. The request is due to a donation from the Eaton Charitable Fund, for the Invest in Children Program to be used for communications related activities. This request is cost neutral to the HHS Levy Fund since this increase in appropriation will be supported by the donated funds from Eaton Charitable Fund.

| | | |
|----|---|------------------|
| B. | 21A961 – Recycling Market Development Grant | BA1100393 |
| | SM757427 – Special Assessment Grant | |
| | Other Expenses | \$ 33,000.00 |

Request to add additional appropriation to the Solid Waste Management District. The appropriation is required to cover expenditures under the Ohio Department of Natural Resources (ODNR) Recycling Market Development Grant. This grant is to expand recycling opportunities in downtown Cleveland, at various sporting events. The Cuyahoga County Solid Waste District works to support environmentally-sustainable and economical solid waste management practices within the communities, institutions and businesses of Cuyahoga County. The source of funding is revenue generated from fees.

| | | |
|-----|---|------------------|
| C1. | 21A863 – Recycling Market Development | BA1100392 |
| | SM757641 – Recycling Market Development | |
| | Other Expenses | \$ (15,000.00) |
| C2. | 21A862 – Scrap Tire Grant | |
| | SM757633 – Scrap Tire Grant | |
| | Other Expenses | \$ (50,000.00) |

| | | | |
|-----|--|----|-------------|
| C3. | 21A649 – Greater Cleve Habitat for Humanity SM757856 – Greater Cleve Habitat for Humanity Other Expenses | \$ | (17,696.00) |
| C4. | 21A139 – Recycle Ohio SM743864 – Recycle Ohio Other Expenses | \$ | (21,197.37) |
| C5. | 21A133 – Recycle Ohio 98 SM757336 – Recycle Ohio 98 Other Expenses | \$ | (10,618.09) |

Request to decrease appropriation for the Solid Waste Management District grant. The request is to close out the grants listed above, due to expiration of the grant period for various grants issued by the Ohio Department of Natural Resources. The Cuyahoga County Solid Waste District works to support environmentally-sustainable and economical solid waste management practices within the communities, institutions and businesses of Cuyahoga County. The source of funding is revenue generated from fees.

| | | | | |
|----|--|----|-------------|------------------|
| D. | 21A804 – Treatment Capacity Expansion Services JA752154 – Treatment Capacity Expansion Services FY11 Personal Services | \$ | (18,595.00) | BA1100395 |
|----|--|----|-------------|------------------|

Decrease appropriations in Treatment Capacity Expansion Service FY11 in preparation to close the grant. This grant was terminated under Justice Affairs and reissued to Common Pleas Court as part of the move of TASC from Justice Affairs. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2010 through June 30, 2011.

| | | | | |
|----|--|----|-------------|------------------|
| E. | 21A860 – Adult Drug Court Project JA763433 – Adult Drug Court Project FY11 Personal Services | \$ | (90,302.95) | BA1100396 |
|----|--|----|-------------|------------------|

Decrease appropriations in Adult Drug Court Project FY11 in preparation to close the grant. This grant was terminated under Justice Affairs and reissued to Common Pleas Court as part of the move of TASC from Justice Affairs. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2010 through June 30, 2011.

| | | | | |
|----|--|----|-------------------------------|------------------|
| F. | 21A418 – TASC Drug Court JA752659 – FY2011 TASC Drug Court Personal Services Other Expenses | \$ | (71,745.24) \$ (70,477.26) | BA1100397 |
|----|--|----|-------------------------------|------------------|

Decrease appropriations in TASC Drug Court FY2011 in preparation to close the grant. This grant was terminated under Justice Affairs and reissued to Common Pleas Court as part of the move of TASC from Justice Affairs. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2010 through June 30, 2011.

| | | | | |
|----|--|----|-----------------------------|------------------|
| G. | 21A311 – TASC JA752642 – TASC FY11 Personal Services Other Expenses | \$ | (382,483.00) \$ (396.00) | BA1100398 |
|----|--|----|-----------------------------|------------------|

Decrease appropriations in TASC FY11 in preparation to close the grant. This grant was terminated under Justice Affairs and reissued to Common Pleas Court as part of the move of TASC from Justice

Affairs. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2010 through June 30, 2011.

| | | |
|----|---|------------------|
| H. | 21A804 – Treatment Capacity Expansion Service | BA1100399 |
| | JA751933 – Treatment Capacity Expansion FY10 | |
| | Personal Services | \$ (70.36) |

Decrease appropriations in Treatment Capacity Expansion FY10 in preparation to close the grant. Funding is from the Cuyahoga County Alcohol Drug Addiction and Mental Health Services Board covering the period July 1, 2009 through June 30, 2010.

| | | |
|----|---|------------------|
| I. | 20A814 – Wireless 911 Government Assistance | BA1100400 |
| | JA106773 – Wireless 911 Government Assistance | |
| | Personal Services | \$ 251,000.00 |
| | Other Expenses | \$ 116,000.00 |

An increase in appropriations for projected personnel shortages and pending payroll transfer from CECOMS General Fund account. The request also includes pending contractual obligations for a 9-1-1 Public Safety Answering Point (PSAP) assessment of organizational efficiencies. Funding is from fees assessed on each 911 phone call placed in Cuyahoga County as established under House Bill 361 dated May 1, 2005. Sufficient cash exists for this request.

| | | |
|----|---|------------------|
| J. | 22S274 – Home Weatherization Assistance Program (HWAP) | BA1100355 |
| | American Reinvestment and Recovery Act (ARRA) 2009 - 2010 | |
| | DV725218 – HWAP ARRA Department of Energy Support 2009 - 2010 | |
| | Personal Services | \$ 569.29 |

Appropriation is requested to cover expenses incurred for the 2009-2010 Home Weatherization Assistance Program (HWAP), which provides heating assistance to low-income households. Contributions are provided from utility companies that leverage grant funding via the American Reinvestment and Recovery Act (ARRA) from the U.S. Department of Energy dollars passed through the Cleveland Housing Network. This grant requires no County match. The grant period runs from July 2009 to March 31, 2011.

| | | |
|----|---|------------------|
| K. | 22A040 – 2011 Lead Hazard Reduction Grant | BA1100356 |
| | DV708974 – Lead Hazard Reduction Grant | BA1100357 |
| | Personal Services | \$ 441,250.00 |
| | Other Expenses | \$ 2,571,250.00 |

Appropriation is requested to set up the new 2011 Lead Hazard Reduction Grant. The Lead Hazard reduction grant is set up to provide home owners and landlords funds to remove lead-based paint in their dwellings. Funding for this grant comes from the U.S. Department of Housing and Urban Development (HUD). The grant requires no County match. The grant runs from March 1, 2011 to April 31, 2014.

| | | |
|----|--|------------------|
| L. | 22A003 – 2008 Neighborhood Stabilization Program (NSP) | BA1100361 |
| | DV712810 – 2008 NSP Project Plan | |
| | Other Expenses | \$ 213,919.00 |

Appropriation is requested for the 2008 Neighborhood Stabilization Program (NSP) due to the receipt of program income. The Neighborhood Stabilization program is set up to provide acquisition and rehabilitation loans for blighted properties to homeowners and landlords. Funding for the NSP comes from the U.S. Department of Housing and Urban Development. The grant runs from September of 2008 to the present. The grant requires no county match.

| | | |
|----|---|------------------|
| M. | 01A001 – General Fund | BA1100411 |
| | MC001016 – Medical Mart Operating Account | |
| | Other Expenses | \$ 13,850,000.00 |

An increase in appropriation is requested to enable the transfer of project revenue from the County Medical Mart Operating account to the trustee bank (US Bank NA) for the remaining 2011 rent and operating payments. These payments will total \$19,046,841 in 2011 and are supported by project revenue including non-tax revenue pledged in amounts equal to the collections from the additional 0.25% sales tax levied to support the project. The sources and uses of the Medical Mart project are flowed through the General Fund and are separate and distinct from the ongoing operating and revenue and expenses of the County budget. The current approved appropriation level (\$8,200,107) for operating payments was established before the project was funded in mid-December of 2010. Additional appropriation authority is required to transfer the full amount of 2011 project uses and the remaining December project revenue to the trustee bank per sections 5.02 - 5.06 of the project trust indenture. *A separate review document has been provided for this request item.*

Resolutions: Appropriation Transfers

| | | | |
|----|-------|--|------------------|
| A. | FROM: | 20A425 – Treatment Services Medicaid Funds | BA1100377 |
| | | JA107722 – Treatment Services Medicaid Funds | |
| | | Personnel Services | \$ 9,959.00 |
| | | Capital Outlays | \$ 21.00 |
| | TO: | 20A425 – Treatment Services Medicaid Funds | |
| | | JA107722 – Treatment Services Medicaid Funds | |
| | | Other Expenses | \$ 9,980.00 |

A transfer to provide sufficient appropriations in the proper category for the final payment to the Records Office for the scanning of closed treatment services files to digital and microfilm images. Funding is from costs reimbursed under the Social Security Act for eligible Medicaid expenses. Funding covers the period January 1, 2011 through December 31, 2011. (See related cash transfer, item B, on page 5.)

| | | | |
|----|-------|---|------------------|
| B. | FROM: | 22A718 – Emergency Shelter Grant 2010 | BA1100359 |
| | | DV713446 – Emergency Shelter Grant 2010 | |
| | | Personal Services | \$ 5,003.82 |
| | TO: | 22A718 – Emergency Shelter Grant 2010 | |
| | | DV713446 – Emergency Shelter Grant 2010 | |
| | | Other Expenses | \$ 5,003.82 |

An appropriation transfer is requested to cover a pending contract with Transitional Housing (a non-profit organization). The Emergency Shelter Grant is established to provide basic shelter and supportive services to homeless people. Funding for the Emergency Shelter Grant comes from the U.S. Department of Housing and Urban Development (HUD). The grant runs from January 1, 2010 to the present. No County match is required.

Resolutions: Cash Transfers

| | | | | | |
|-----|-------|---|----|--------------|------------------|
| A1. | FROM: | 29A390 – Health and Human Services Levy 2.9 SU513986 – Employment and Family Subsidy 2.9 Transfer Out | \$ | 687,883.84 | JT1100088 |
| | TO: | 24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer | \$ | 687,883.84 | |
| A2. | FROM: | 29A390 – Health and Human Services Levy 2.9 SU513986 – Employment and Family Subsidy 2.9 Transfer Out | \$ | 302,381.72 | |
| | TO: | 24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer | \$ | 302,381.72 | |
| A3. | FROM: | 29A389 – Health and Human Services Levy 4.9 SU513325 – Employment and Family Subsidy 4.9 Transfer Out | \$ | 1,122,336.80 | |
| | TO: | 24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer | \$ | 1,122,336.80 | |
| A4. | FROM: | 29A389 – Health and Human Services Levy 4.9 SU513325 – Employment and Family Subsidy 4.9 Transfer Out | \$ | 493,359.64 | |
| | TO: | 24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer | \$ | 493,359.64 | |

In accordance with the Ohio Revised Code (ORC) Section 5101.16 the County is required to pay a share of TANF related administration (\$5,430,662) and Non-TANF (\$2,387,224) related administration for Medicaid, food-related expenditures during a calendar year. This represents 4/12 of the total required mandated share that generally is transferred to the corresponding public assistance fund on a monthly basis. This transfer is for January – April 2011. The amounts are based on the current State fiscal year requirement. The funding source is the Health and Human Services Levy Fund.

| | | | | | |
|----|-------|--|----|----------|------------------|
| B. | FROM: | 20A425 – Treatment Services Medicaid Funds JA107722 – Treatment Services Medicaid Funds Transfer Out | \$ | 9,706.87 | JT1100109 |
| | TO: | 01A001 – General Fund RC172288 – County Recorder-Automation Revenue Transfer | \$ | 9,706.87 | |

The transfer is the final payment for the scanning project completed by the Records Office-Microfilm Board for scanning the closed treatment services files to digital and microfilm images. Funding is from costs reimbursed under the Social Security Act for eligible Medicaid expenses

covering the period January 1, 2011 through December 31, 2011. (See related appropriation transfer Item A, on page 4.)

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County Council of Cuyahoga County, Ohio

Resolution No. R2011-0165

| | |
|---|---|
| Sponsored by: County Executive FitzGerald on behalf of the Cuyahoga County Board of Developmental Disabilities | A Resolution accepting various Roof Replacement Projects as complete and in accordance with plans and specifications; granting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63, and declaring the necessity that this Resolution become immediately effective. |
|---|---|

WHEREAS, the Cuyahoga County Board of Developmental Disabilities has certified that Terik Roofing, Inc. has completed all work in accordance with plans and specifications for roof replacements at the Brooklyn and Rocky River Adult Activities Centers, the Operations facility and the Transportation Services Center required under Contract No. CE1000448-01; and,

WHEREAS, the Cuyahoga County Board of Developmental Disabilities has requested that the County Treasurer be authorized to release the escrow in the amount of \$47,599.60 plus any accrued interest, and,

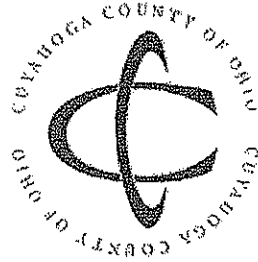
WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by the Cuyahoga County Board of Developmental Disabilities can continue and to provide for the usual, daily operation of the Board.

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

SECTION 1. The roof replacement projects that the Board of Developmental Disabilities has certified are complete at the Brooklyn and the Rocky River Adult Activities Centers, the Operations Facility and the Transportation Services Center are hereby accepted as complete in accordance with the plans and specifications required under contract No. CE1000448-01 with Terik Roofing, Inc.

SECTION 2. The County Treasurer is hereby authorized to release the escrow in the amount of \$47,599.00 plus any accrued interest upon notification from the Board of Developmental Disabilities and the contractor in accordance with O.R.C. Section 153.63.

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



Item Details:

| | | | |
|---------------------------|--|--------------------------------|-------------------------|
| Agency/Dept. Name: | Cuyahoga County Board of Mental Retardation and Developmental Disabilities | Agency/Dept. Head Name: | Terrence M. Ryan, Ph.D. |
|---------------------------|--|--------------------------------|-------------------------|

Type of Request: Other

Request Prepared by: George Trochemenko **Telephone No.** 216.741.2784

SUMMARY OF REQUESTED ACTION:

The Cuyahoga County Board of Developmental Disabilities is certifying that Terik Roofing, Inc. has completed all work in accordance with plans and specifications for roof replacements at Brooklyn and Rocky River Adult Activities Centers, Operations Facility and Transportation Service Center. The contract completion certificate for CE1000448-01 is attached for signature and for authorization to release the escrow in the amount of \$47,599.60.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Contract close out of completed roof replacements at Brooklyn and Rocky River Adult Activities Centers, Operations Facility and Transportation Services Center and release of escrow to Terik Roofing, Inc.

Principal Owners:
Terry B. Clark, President
Eric T. Gelal, Vice President
Phone: 330-785-0060
Fax: 330-785-0070

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Competitive Bid

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

Financial Information:

Funding source: Explanation:

General Fund

Total Amount Requested:

\$

ATTACHMENTS:

Click to download

[Contract Completion Certificate](#)

History

Time

Who

Clerk of the Board

Approval

http://www.novusolutions.com/wh/44444444


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County Council of Cuyahoga County, Ohio

Resolution No. R2011-0166

| | |
|---|---|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing the County Executive to enter into agreements of cooperation with the Cities of Parma and Parma Heights for repair and resurfacing of Snow Road from West 130 th Street to Ridge Road. |
|---|---|

WHEREAS, the Department of Public Works has recommended that the County Executive to enter into agreements of cooperation with the Cities of Parma and Parma Heights for repair and resurfacing of Snow Road from West 130th Street to Ridge Road; and,

WHEREAS, public convenience and welfare has been previously declared by the Board of County Commissioners on November 2, 2010, Resolution No. 104802; and,

WHEREAS, the City Councils of the Cities of Parma and Parma Heights have previously authorized the entry of Agreements of Cooperation with the County through Ordinance Nos. 285-10 and 2011-5 respectively; and

WHEREAS, the project entails 1) resurfacing the road, and 2) base repair as needed; and,

WHEREAS, funding for this project is as follows: 1) 80% of the construction costs being paid for by federal funds; and, 2) 20% being paid for by the County. All design and engineering costs will be paid for under the County's General Engineering Contract with URS Corporation, Ohio. The breakdown of estimated construction costs of the project are as follows: \$4,664,000.00 Federal (80%) and \$1,166,000.00 County (20%); and

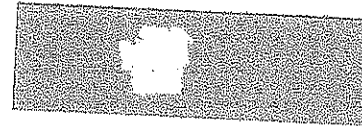
WHEREAS, the County will make application for State Issue I funds to be applied to the County's share of the construction costs; and

WHEREAS, it is anticipated that this project will be bid in 2012 or 2013.

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

SECTION 1. That the County Executive is hereby authorized to enter into and execute agreements of cooperation with the Cities of Parma and Parma Heights for repair and resurfacing of Snow Road from West 130th Street to Ridge Road.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal



Item Details:

Agency/Dept. Name: County Engineer **Agency/Dept. Head Name:** Jamal Husani, P.E.

Type of Request: Agreement/Amendment

Request Prepared by: Fred Whatley **Telephone No.:** 348-3840

SUMMARY OF REQUESTED ACTION:

The Public Works Department recommending that Council authorize the County Executive to enter into and execute the Agreements of Cooperation between the County and the City of Parma and between the County and the City of Parma Heights for the repair and resurfacing of Snow Road from W. 130th St. to Ridge Road in the cities of Parma and Parma Heights, Ohio.

On November 3, 2010, the County adopted Resolution No.104802 which declared that the public convenience and welfare require this project.

A summary of the work to be performed is as follows: 1) resurfacing the road; and, 2) base repair as needed.

Funding for the project is as follows: 1) 80% of the construction costs being paid for by Federal funds; and, 2) 20% being paid for by the County. All design engineering costs will be paid for under the County's General Engineering Contract with URS Corporation, Ohio.

The breakdown of estimated costs of the project is as follows:

CONSTRUCTION COSTS \$4,664,000.00 Federal (80%)

\$1,166,000.00 County (20%)

TOTAL \$ 5,830,000.00

The County will make application for State Issue I funds to be applied to the County's share of the construction costs.

It is anticipated that this project will be bid in 2012 or 2013.

Attached hereto are: 1) the ordinances enabling the cities of Parma [Ordinance No. 285-10] and Parma Heights [Ordinance No. 2011-5] to enter into the Agreements of Cooperation with the County; 2) the Agreements of Cooperation as executed by the City of Parma and the City of Parma Heights; 3) the Applications for Approval of Project Using County Motor Vehicle License Tax Funds as executed by the City of Parma and the City of Parma Heights; and, 4) the joint letter of both cities to the County requesting funding for the project.

For all of the foregoing reasons, the Public Works Department requests that this Council authorize the County Executive to enter into and execute the Agreements of Cooperation between the County and the City of Parma and between the County and the City of Parma Heights for the repair and resurfacing of Snow Road from W. 130th St. to Ridge Road in the cities of Parma and Parma Heights, Ohio.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/Outcome - The purpose of this action is to secure municipal cooperation for the above-described project with the outcome being that the project will go forward.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

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

Total Amount Requested:

\$

ATTACHMENTS:

Click to download

- [Enabling Legislation of Parma and Parma Heights](#)
- [Agreements of Parma and Parma Heights](#)
- [Applications for Lic. Plate Funds of Parma and Parma Heights](#)
- [Joint Letter of Parma and Parma Heights](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0167

| | |
|--|---|
| <p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division</p> | <p>A Resolution accepting County Improvement No. 3-A-1, rehabilitation of trenchless sanitary sewers and manhole repairs in the Cities of Beachwood, Lyndhurst, Mayfield Heights and Pepper Pike, County Sewer District Nos. 3 and 5, as complete and in accordance with plans and specifications; granting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63.</p> |
|--|---|

WHEREAS, the Department of Public Works/County Engineer has recommended the acceptance of County Improvement No. 3-A-1, rehabilitation of trenchless sanitary sewers and manhole repairs in the Cities of Beachwood, Lyndhurst, Mayfield Heights and Pepper Pike, County Sewer Districts Nos. 3 and 5 as complete and in accordance with plans and specifications; and,

WHEREAS, the Department of Public Works/County Engineer has certified that project has been completed according to the plans and specifications as required by Contract No. CE0900790-01 with Kokosing Construction Company, Inc., and to the satisfaction of the Cities of Beachwood, Lyndhurst, Mayfield Heights and Pepper Pike; and

WHEREAS, the Department of Public Works/County Engineer confirmed that the final cost of the project was \$472,419.21 and that the contractor - Kokosing Construction Company, Inc. has been paid in full; and,

WHEREAS, the Department of Public Works has requested that the County Treasurer be authorized to release the escrow in the amount of \$19,136.16 plus any accrued interest upon notification from the County of Cuyahoga in accordance with ORC 153.63.

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

SECTION 1. County Improvement No. 3-A-1, rehabilitation of trenchless sanitary sewers and manhole repairs in the Cities of Beachwood, Lyndhurst, Mayfield Heights and Pepper Pike, County Sewer Districts Nos. 3 and 5 is hereby accepted as complete and in accordance with plans and specification as required by Contract No. CE0900790-01 with Kokosing Construction Company, Inc.; and,

SECTION 2. The County Treasurer is hereby authorized to release the escrow in the amount of \$19,136.16 plus any accrued interest upon notification from the County of Cuyahoga in accordance with ORC 153.63.



Item Details:

| | | | |
|---------------------------|---|--------------------------------|------------------|
| Agency/Dept. Name: | County Engineer/Sanitary Engineering Division | Agency/Dept. Head Name: | Michael W. Dever |
|---------------------------|---|--------------------------------|------------------|

Type of Request: Other

| | | | |
|-----------------------------|-----------|----------------------|----------------|
| Request Prepared by: | Rana Sakr | Telephone No. | (216) 443-8199 |
|-----------------------------|-----------|----------------------|----------------|

SUMMARY OF REQUESTED ACTION:

The Public Works Department approving and accepting County Sewer Improvement No. 3-A-1, rehabilitation of trenchless sanitary sewers and manhole repairs in the Cities of Beachwood, Lyndhurst, Mayfield Heights and Pepper Pike, County Sewer District Nos. 3 and 5 as being complete and accordance with plans and specifications as required under contract No. CE0900790-01 with Kokosing Construction Company, Inc. and authorizing the County Treasurer to release the escrow upon notification from the County of Cuyahoga.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Accepting the work performed under this contract entails:

Confirming that the work was completed to the satisfaction of the Inspectors, the Engineer, and the Cities of Beachwood, Lyndhurst, Mayfield Heights and Pepper Pike,.

Confirming that the final total cost of the project is \$ 472,419.21 and that the Contractor, Kokosing Construction Company, Inc., has been paid in full.

Confirming the close out of the project's performance bond and commencement of the two year maintenance bond. This sewer will be part of a County Sewer District and be maintained as a part thereof.

Authorizing the County Treasurer to release the escrow in the amount of \$ 19,136.16 plus accrued interest, upon notification from the County Executive & County Council.

Explanation for late submittal:

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0168

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000240-01 with Robert P. Madison International, Inc. for architectural and engineering services for various projects for the period 4/1/2010 - 3/31/2011 to exercise an option to extend the time period to 9/30/2011 and for additional funds in the amount not-to-exceed \$50,000.00. |
|---|--|

WHEREAS, the Department of Public Works/ County Engineer has submitted a request for authorization to amend Contract No. CE1000240-01 with Robert P. Madison International, Inc. for architectural and engineering services for various projects for the period 4/1/2010 - 3/31/2011 to exercise an option to extend the time period for six months to 9/30/2011 and for additional funds in the amount not-to-exceed \$50,000.00; and

WHEREAS, the County selected Robert P. Madison International, Inc. to provide architectural and engineering services for various facility and capital needs through an RFQ process; and

WHEREAS, these services have been valuable to the County, and the department is recommending that a six month renewal option for this contract be exercised; and

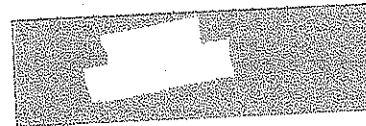
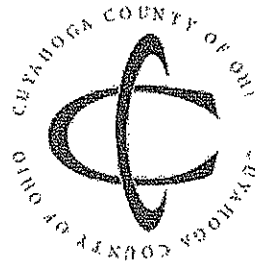
WHEREAS, the cost of \$50,000.00 is for general capital project architectural and engineering services, initiated on a task order basis; and

WHEREAS, while the first year contract value was \$200,000.00, only \$50,000.00 will be necessary in this amendment based on available funds in the original encumbrance and the shortened amendment time period; and

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

SECTION 1. That the County Executive is hereby authorized to amend Contract No. CE1000240-01 with Robert P. Madison International, Inc. for architectural and engineering services for various projects for the period 4/1/2010 - 3/31/2011 to exercise an option to extend the time period to 9/30/2011 and for additional funds in the amount not-to-exceed \$50,000.00.

SECTION 2. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that



Item Details:

| | | | |
|---|--------------------------------|--------------------------------|----------|
| Agency/Dept. Name: | Department of Central Services | Agency/Dept. Head Name: | Jay Ross |
| Type of Request: | Contract/Amendment | | |
| Request Prepared by: | Jackie Smith | Telephone No. | 443-6992 |
| SUMMARY OF REQUESTED ACTION: | | | |
| Central Services, submitting an amendment to Contract No. 1000240-01 with Robert Madison International, Inc. for architectural and engineering services, to extend the time period through September 30, 2011 (a six month extension, April 1, 2011 - September 30, 2011) and for additional funds in the amount not-to-exceed \$50,000. | | | |
| PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): | | | |
| The County through an RFQ process selected Robert Madison International to provide general architectural/engineering services for various facility and capital needs. These services have been valuable to the County, and the department is recommending that a six month renewal option for this contract be exercised. The cost of \$50,000 is for general capital project architectural and engineering services, initiated on a task order basis. While the 1st year contract value was \$200,000, only \$50,000 will be necessary in this amendment based on available funds in the original encumbrance and the shortened amendment time period. | | | |
| Principal owner: Robert Madison 2930 Euclid Avenue Cleveland, OH 44115 | | | |
| Explanation for late submittal: | | | |

Contract/Agreement Information:

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

Unspent funds in 1st year of contract and reduced time period

Financial Information:

| | |
|--|--|
| Funding source: General Fund | Explanation: General Fund dollars, operating savings through architectural staff retirements |
| Total Amount Requested: \$50,000 | |

ATTACHMENTS:

Click to download

- [Option Clause](#)
- [Evaluation](#)
- [W-9](#)
- [DMA](#)
- [CC](#)
- [Amendment #1](#)
- [Blue Back](#)
- [Voucher](#)

History

| Time | Who | Approval |
|-------------------|-----------------------------------|----------|
| 3/25/2011 2:20 PM | Office of Procurement & Diversity | Yes |
| 3/29/2011 9:39 AM | Clerk of the Board | Yes |
| 3/29/2011 1:19 PM | County Auditor | Yes |
| | County Prosecutor Civil | |

BOARD OF CUYAHOGA COUNTY COMMISSIONERS
CONTRACT EVALUATION FORM
(To be completed in its entirety by user department for
all contract renewals or amendments.)

Contractor: Robert P. Madison International, Inc

Contract No.: CE 100024-0132 Time Period: 4/1/2010-3/31/2011

Service Description: architectural and engineering services

Original Contract Amount: \$ 200,000

Amendment Amount: \$ 0

Performance Indicators: 1) Ability to support County on multiple task orders simultaneously 2) satisfactorily support to complete task/project work

Actual performance versus performance indicators (include statistics): The firm has satisfactorily performed all tasks to date

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

Justification of Rating: Firm has assisted on a timely basis in support of multiple County projects

Central Services
User Department

Jay Rosen

November 12, 2010
Date

coordination

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0169

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing the County Executive to enter into a contract with PB Americas, Inc. fka Parsons Brinckerhoff Ohio, Inc. in the amount not-to-exceed \$1,734,243.00 for design engineering services for Highland Road Bridges Nos. 156, 157, 158 and 226 over Euclid Creek in the City of Euclid; authorizing the County Engineer on behalf of the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds to fund said contract; and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, the County Engineer has recommended a contract with PB Americas, Inc. fka Parsons Brinckerhoff Ohio, Inc. in the amount not-to-exceed \$1,734,243.00 for design engineering services for Highland Road Bridges Nos. 156, 157, 158 and 226 over Euclid Creek in the City of Euclid; and,

WHEREAS, the authority to negotiate this contract was granted by the Board of County Commissioners on December 2, 2010 through Resolution No. 105121; and,

WHEREAS, in order to process this Contract Agreement, approval is further requested for the current allocation of the County Motor Vehicle \$5.00 License Tax Fund in the amount of \$1,734,243.00; and,

WHEREAS, this complex project entails the rehabilitation of four separate bridges in a single construction contract that will reconstruct in stages while maintaining two-way traffic on Highland Road; and,

WHEREAS, the engineering design of this project is complicated by relocation of existing sewer and water utility lines while maintaining traffic schemes; and,

WHEREAS, the project is further complicated by the requirements of federal and state regulations to avoid negatively impacting ecological, historical, and cultural resources, as well as the planning and design challenges of the impact this project will have on the Cleveland MetroParks property that will require additional mitigation; and,

WHEREAS, the rehabilitated structures will also be widened to meet the requirements of the NOACA Bicycle Advisory Committee; and,

WHEREAS, the preliminary estimate of construction cost for this project is \$10 million, \$8 million of which will be federally funded, and the remaining \$2 million to be paid by the County; and,

WHEREAS, it is necessary that this Resolution become immediately effective to assure construction commences immediately per plan specifications and within the prime construction season as any delay could incur additional expenses to the County.

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

SECTION 1. That the County Council hereby authorizes the County Executive to enter into a contract with PB Americas, Inc. fka Parsons Brinckerhoff Ohio, Inc. in the amount not-to-exceed \$1,734,243.00 for design engineering services for Highland Road Bridges Nos. 156, 157, 158 and 226 over Euclid Creek in the City of Euclid. (Resolution No. 105121- authority to negotiate.)

SECTION 2. That the County Council further authorizes the current allocation of the County Motor Vehicle \$5.00 License Tax Fund in the amount of \$1,734,243.00 to fund said contract;

SECTION 3. It is necessary that this Resolution become immediately effective to assure construction commences immediately per plan specifications and within the prime construction season as any delay could incur additional expenses to the County. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 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

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

Journal _____
_____, 2011



Item Details:

| | | | |
|-----------------------------|--------------------|--------------------------------|--------------------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Michael W. Chambers, CPA |
| Type of Request: | Contract/Amendment | | |
| Request Prepared by: | Heather Keel | Telephone No. | 216-348-3852 |

SUMMARY OF REQUESTED ACTION:

Department of Public Works/County Engineer, submitting a contract with PB Americas, Inc. in the amount not-to-exceed \$1,734,243.00 for design engineering services for Highland Road Bridges No. 156, 157, 158 and 226 over Euclid Creek in the City of Euclid declaring the necessity that this Resolution become immediately effective.

Authority to negotiate was given on December 2, 2010, Resolution No. 105121.

In order to process this Contract Agreement, we are requesting approval for the current allocation of the County Motor Vehicle \$5.00 License Tax Fund in the amount of \$1,734,243.00 and for all future allocations from the \$5.00 Vehicle License Tax Fund related to the aforementioned project.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/Outcomes: This project is complex because we are rehabilitating four separate bridges in a single construction contract. The bridges will be reconstructed in stages while maintaining two-way traffic on Highland Road. Because existing sewer and water lines will be impacted by construction, utility relocation further complicates the design of improvements and the maintenance of traffic schemes. A lot of engineering effort will go into the preliminary investigation and determination of the most economical and "best" design alternative for each bridge. The existing bridges will be inspected and tested to determine what can be salvaged and what will require replacement. Also, the rehabilitated structures will be widened to meet the requirements of the NOACA Bicycle Advisory Committee.

In addition to repairing the structural deficiencies of these four bridges, we will be bound

by federal and state regulations to avoid negatively impacting ecological, historical and cultural resources, and we are required to design and implement storm water management best management practices into the project. Also, our project will impact Cleveland MetroParks property, which requires additional mitigation and cost for planning and design.

The preliminary estimate of construction cost for this project is \$10 million, \$8 million of which will be federally funded. The county will pay the remaining \$2 million for construction. In the end, we are investing approximately \$3.5 million in county funds to receive \$8 million in federal funding for these four county-owned structures. The cost for basic engineering services proposed by PB represents approximately 15% of the preliminary estimated construction cost, while the "if authorized" services would represent another 2% of the estimated construction cost. We have worked with PB to receive a cost proposal that should accurately reflect the necessary range of services and degree of effort required to achieve ODOT approval and federal authorization for this important project.

Principal Owners:

PB Americas, Inc.
One Penn Plaza
New York, New York 10119

See attached.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Other

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

Financial Information:

| Funding source: | Explanation: |
|------------------------|-------------------------|
| Other | \$5.00 License Tax Fund |

Total Amount Requested:

\$1,734,243.00

ATTACHMENTS:

Click to download

- [Contract Agreement](#)
- [Blue Back](#)
- [Auditor Search](#)
- [Campaign Contribution Form](#)
- [DMA Form](#)
- [Proposal](#)
- [Authority to Negotiate Resolution](#)
- [Secretary of State Search](#)
- [W-9](#)
- [Principal Owners](#)

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0170

| | |
|--|--|
| <p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</p> | <p>A Resolution approving plans for widening and reconstruction of Barrett Road from Spafford Road to the Berea West Corporation Line and the replacement of Barrett Road Culvert Nos. 8, 9, 10 and 11 in Olmsted Township; ordering that surveys, plans, profiles, cross-sections, right-of-way plans and plat for the project be filed in the Office of the Clerk of Council; setting the date and time of a public hearing; and declaring the necessity that this Resolution become immediately effective.</p> |
|--|--|

WHEREAS, the Department of Public Works has prepared and submitted surveys, plans, profiles, cross-sections, right-of-way plans and plat, and cost estimates for the widening and reconstruction of Barrett Road from Spafford Road to the Berea West Corporation Line and the replacement of Barrett Road Culverts Nos. 8, 9, 10, 11 in Olmsted Township; and,

WHEREAS, a declaration of public convenience and welfare was declared for this project on August 17, 1999 by the Board of County Commissioners; and,

WHEREAS, the Department of Public Works has further requested that the Clerk of Council to set the date and time for public hearing and to advertise notice thereof to be held on Tuesday, May 24, 2011 at 6:30 p.m.; and,

WHEREAS, it is necessary that this resolution become immediately effective in order to assure that construction commences per the plan specifications and within the prime construction season as any delay could incur additional expenses to the County.

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

SECTION 1. That the surveys, plans, profiles, cross-sections, right-of-way plans and plat are hereby approved for the widening and reconstruction of Barrett Road from Spafford Road to the Berea West Corporation Line and the replacement of Barrett Road Culverts Nos. 8, 9, 10, 11 in Olmsted Township.

SECTION 2. That a meeting of this Council shall be held at the Chambers of the Council of Cuyahoga County, Ohio on Tuesday, May 24, 2011 at 6:30 p.m., local time, for the purpose of hearing objections to said improvement.

SECTION 3. That the Department of Public Works shall advertise in a newspaper of general circulation throughout the County, once a week, for two consecutive weeks, notice that the Department of Public Works has prepared surveys, plans, profiles, cross-sections, right-of-way plans and plat and that same are on file with the Clerk of Council for the inspection of persons interested therein and also that the County Council will hear objections to said improvement at the time fixed for hearing the same.

SECTION 4. It is necessary that this Resolution become immediately effective to assure that construction commences per the plan specifications and within the prime construction season as any delay could incur additional expenses to the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

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

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

Yeas:

Nays:

County Council President

Date

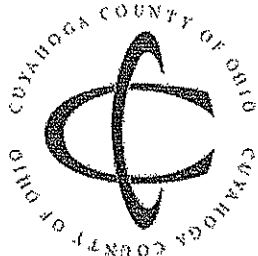
County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011



Item Details:

| | | | |
|---|-----------------|--------------------------------|--------------------|
| Agency/Dept. Name: | County Engineer | Agency/Dept. Head Name: | Jamal Husani, P.E. |
| Type of Request: | Other | | |
| Request Prepared by: | Fred Whatley | Telephone No. | 348-3840 |
| SUMMARY OF REQUESTED ACTION: | | | |
| <p>The Department of Public Works submitting plans for the improvement of 0.73 mile of Barrett Road (CR-178) from Spafford Road to the Berea West Corporation Line in Olmsted Township; requesting that the Clerk of Council set the date and time for the public hearing; requesting that the hearing be advertised in the Plain Dealer after the date and time are set [a proposed notice is attached hereto]; and, declaring the necessity that the Resolution become immediately effective.</p> | | | |
| PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): | | | |
| <p>Approval of surveys, plans, profiles, cross sections, right-of-way plans and plat, and cost estimates</p> | | | |
| Explanation for late submittal: | | | |

Contract/Agreement Information:

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

Financial Information:

| | |
|--------------------------------|---------------------|
| Funding source: | Explanation: |
| Other | Road and Bridge |
| Total Amount Requested: | |
| \$ | |

ATTACHMENTS:

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0171

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/ Department of Development | A Resolution authorizing the issuance and sale of self-supporting housing revenue bonds in an amount not-to-exceed \$5,000,000.00 for Greater Abyssinia Apartments, L.P. for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a financing agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective. |
|---|--|

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

WHEREAS, this Council of the County of Cuyahoga, Ohio (the "Council"), pursuant to the foregoing authority and at the request of, and based upon the representations of, Greater Abyssinia Apartments, L.P., an Ohio limited partnership (the "Borrower"), has determined that it is willing to authorize the issuance and sale of the County's Housing Revenue Bonds, Series 2011 (Greater Abyssinia Apartments Project) in the maximum principal amount of \$5,000,000 to finance costs of rehabilitating, improving and equipping real and personal property located in the City of Cleveland to be used as an affordable senior housing facility containing approximately 70 units, to be owned by the Borrower (the "Project"), and in connection with that issuance and sale, to adopt this

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

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

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

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

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

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

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

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

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

"Bond Counsel" means Roetzel & Andress, A Legal Professional Association, Cleveland, Ohio.

“Bond Purchase Agreement” means the Bond Purchase Agreement between the County, the Original Purchaser and the Borrower.

“Certificate of Award” means the Certificate of Award to be executed in connection with the sale of the Bonds.

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

“Continuing Disclosure Agreement” means the Continuing Disclosure Agreement between the Borrower and the Trustee pursuant to which the Borrower agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required by the Rule.

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

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

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

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

“Issuer Documents” means the Indenture, the Financing Agreement, the Regulatory Agreement, the Assignment, if any, and the Bond Purchase Agreement.

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

“Rule” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934, as amended.

Any reference to this Council, the County or to its members or officers, or to other public officers, boards, commissions, departments, institutions, agencies, bodies or entities, shall include those which succeed to their functions, duties or

responsibilities by operation of law and also those who at the time may legally act in their place.

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

Section 2. Authorization of the Bonds, Public Hearing. Based upon the representations of the Borrower, this Council finds and determines that (A) it is necessary to, and the County shall, issue, sell and deliver, as provided and authorized herein and pursuant to the Act, self-supporting housing revenue bonds (the "Bonds") of the County in an aggregate principal amount not to exceed \$5,000,000, for the purpose of paying (i) costs of rehabilitating, improving and equipping the Project, (ii) interest to accrue on the Bonds from their date and during the estimated construction and renovation period of the Project, and (iii) certain costs associated with the issuance of the Bonds; and (B) the Project and the financing thereof by the issuance of the Bonds will further the public purpose of better providing adequate housing in this County and the State and improving the economic and general well-being of the people of the County and the State. The Bonds shall be designated "County of Cuyahoga, Ohio Housing Revenue Bonds, Series 2011 (Greater Abyssinia Apartments Project)."

Section 3. Terms and Provisions of the Bonds

(a) **Bond Terms.** The Bonds shall (i) be issuable only in fully registered form and substantially as set forth in the Indenture; (ii) be exchangeable only for Bonds of the same series in Authorized Denominations, as provided in the Indenture; (iii) be numbered in a manner determined by the Trustee which will distinguish each Bond of a series from each other Bond of that series; (iv) be dated as set forth in the Certificate of Award, provided that such date shall not be later than December 31, 2011; (v) bear interest from the most recent date to which interest has been paid or duly provided for, or if no interest has been paid or duly provided for, from their date or their date of delivery as set forth in the Certificate of Award, at the rates set forth in the Certificate of Award, provided that the rates for the Bonds shall not exceed 7% per year (computed on a 360-day per year basis); (vi) payable on the interest payment dates set forth in the Certificate of Award and the Indenture; (vii) be subject to optional redemption, extraordinary optional redemption and mandatory redemption, including mandatory sinking fund redemption, in accordance with the Certificate of Award and the Indenture, provided that the redemption price (not including accrued interest) shall not exceed 105% of the principal amount of the Bonds to be redeemed; and (viii) mature, subject to prior redemption as set forth above, on the dates set forth in the

Certificate of Award and the Indenture, the final maturity date of which shall not exceed 45 years from their date of delivery.

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

(c) **Execution.** The Bonds shall be signed by the County Executive. Neither the County Executive, the members of this Council nor any person executing the Bonds shall be liable personally on the Bonds by reason of issuance thereof. In case the County Executive shall cease to be in office before the issuance or delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until after that time.

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

Section 4. Sale of the Bonds.Generally. The Bonds are sold and awarded to the Original Purchaser on such terms that are in accordance with the Act, are authorized or not inconsistent with this Resolution, are not materially adverse to the County, and as are provided for or specified in the Certificate of Award and the Bond Purchase Agreement. The purchase price for the Bonds may not be less than 98% of the aggregate principal amount of the Bonds (or, if the Bonds are sold at any original issue discount, 98% of the amount resulting from the subtraction of the aggregate net original issue discount from the aggregate original principal amount of the Bonds), plus any interest accrued on Bonds from their date to their delivery date. The original issue discount, if any, shall not exceed in the aggregate 5%. The County Executive or the Fiscal Officer, as designee of the County Executive, are authorized and directed to execute the Certificate of Award and the Bond Purchase Agreement, in order to provide for the definitive terms and terms of sale and award to the Original Purchaser of the Bonds as provided in this Resolution, but in any event not later than December 31, 2011. The Certificate of Award and the Bond Purchase Agreement shall not be inconsistent with this Resolution, and shall be approved by the County Executive or the Fiscal Officer, as designee of the County Executive, their execution of the Certificate of Award and the Bond Purchase Agreement to constitute conclusive approval, and a finding that the terms are not materially adverse to the County, on behalf of the County.

The County Executive and the Fiscal Officer, as designee of the County Executive, are authorized and directed, alone or together, to make the necessary arrangements, as directed by the Trustee and upon the advice of Bond Counsel,

with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchaser. The County Executive is further authorized and directed to make the necessary arrangements for the printing of the Bonds and the execution, authentication and delivery of the Bonds to the Original Purchaser under the terms of this Resolution, the Indenture and the Bond Purchase Agreement.

(b) **Official Statement.** The County hereby consents to the use and distribution by the Original Purchaser of an offering document, in its preliminary and final forms, relating to the original issuance of the Bonds. Except to the extent described in the Bond Purchase Agreement, the County has not confirmed, and assumes no responsibility for, the truthfulness, accuracy, completeness, sufficiency or fairness of any statements in the offering document, in its preliminary and final forms, or any amendments thereof or supplements thereto, or in any reports, financial information, offering or disclosure documents or other information relating to the Original Purchaser, the Trustee, the Project, the Borrower or the history, businesses, properties, organization, management, financial condition, market area or any other matter relating to the Borrower or contained otherwise in the offering document, or with respect to the Depository, any federally insured mortgage loan program, any investment agreements and the providers thereof, or the Original Purchaser.

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

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

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

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

(a) **Authority and Actions.** The County is, and upon delivery of the Bonds will be, duly authorized by the laws of the State, particularly and without limitation the Act, to issue the Bonds, to execute and deliver the Issuer Documents and other instruments and documents to which it is a party, to provide the security for payment of the principal of and any premium or interest on the Bonds solely in the manner and from the sources and to the extent set forth herein, all as authorized by this Council and upon the advice of Bond Counsel. All actions on the part of the County for the issuance of the Bonds and the execution and delivery of the Issuer Documents and such other instruments and documents have been or will be duly and effectively taken. The Bonds will be valid and enforceable special obligations of the County according to the terms thereof. Each duty of the County and of its officers and employees undertaken pursuant to the Bonds and the Issuer Documents, is a duty specifically enjoined by law upon the County and each of those officers and employees having authority thereunder or by provision of law to perform the duty, resulting from an office, trust or station, within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

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

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

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

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

(c) **Further Assurances.** To the extent within its authority and control, the County shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on its part under the Issuer Documents. Nothing herein or in the Issuer Documents shall be construed as requiring the County to operate the Project or to use any moneys from any source other than those provided in the Indenture and the Financing Agreement.

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

Section 9. Other Documents. The County Executive and the Fiscal Officer, as designee of the County Executive, are authorized and directed to execute, deliver and, if applicable, file, for and in the name and on behalf of the County, any certifications, financing statements, assignments and other instruments and documents which are, in the opinion of the County's legal officer and bond counsel to the County, necessary or appropriate to perfect the assignments contemplated in the Indenture or the Financing Agreement and to consummate the transactions contemplated in the Issuer Documents, including the issuance of the Bonds. Those certifications and other instruments and documents include, without limitation, one or more reports on IRS Form 8038 (including Forms 8038-R and 8038-T), any other certifications and forms necessary or advisable under the Code and a certification by the Clerk of this Council of the transcript of proceedings relating to the issuance of the Bonds. The Borrower is hereby authorized and

directed, upon the request or direction of the County, to file any such certifications or instruments that require filing.

Section 10. Acknowledgement of Assignment. The County acknowledges that pursuant to the Assignment, the County will assign without recourse its rights under the Indenture and Financing Agreement to the Trustee, except for Unassigned Issuer's Rights (as defined in the Financing Agreement).

Section 11. Prevailing Wage Rates. All laborers and mechanics employed on the Project shall, in accordance with policies heretofore established by the County, be paid at the residential prevailing rates of wages of laborers and mechanics for the classes of work called for by the Project, which wages shall be determined in accordance with the requirements of Section 176.05 and Chapter 4115, Ohio Revised Code, for determination of prevailing wage rates.

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

Section 12. Tax Credit Allocation. This Council hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, this Council has relied exclusively upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by this Council or the Issuer as to the feasibility or viability of the Project. This Council hereby authorizes and directs any member of this Council to make the foregoing determination again for and on behalf of this Council at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Ohio Housing Finance Agency ("OHFA") and either written representations of the Borrower or of the OHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit

dollar amount under OHFA's qualified allocation plan. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under OHFA's qualified allocation plan.

Section 13. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Resolution, or in the Bonds, or in the Issuer Documents, or under any judgment obtained against the County or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any officer or employee as such, past, present, or future, of the County, including any member of the Council, either directly or through the County, or otherwise, for the payment for or to the County or any receiver thereof, or for or to the Holder, or otherwise, of any sum that may be due and unpaid by the County upon any of the Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer or employee, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the County or any receiver thereof, or for or to the Borrower or the Holder, or otherwise, of any sum that may remain due and unpaid upon any Bond, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Issuer Documents and the issuance of the Bonds.

Section 14. Open Meeting This Council hereby finds and determines that all formal actions of this Council and its committees concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22, Ohio Revised Code.

Section 15. Effective Date. It is necessary that the resolution become immediately effective in order that critical services provided by Cuyahoga County can continue. Provided that this resolution receives affirmative vote of eight members of Council, this resolution shall become immediately effective upon the signature of the County Executive.

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

Yeas:

Nays:

County Council President

Date

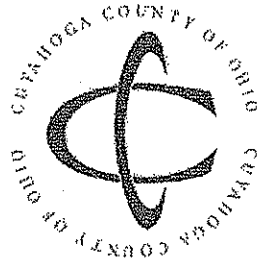
County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011



Item Details:

| | | | |
|---------------------------|---------------------------|-----------------------------------|---------------------------|
| Agency/Dept. Name: | Department of Development | of Agency/Dept. Head Name: | Dorothy Baunach, Director |
|---------------------------|---------------------------|-----------------------------------|---------------------------|

Type of Request:

| | | | |
|-----------------------------|--------------------|----------------------|--------------|
| Request Prepared by: | Sara Parks Jackson | Telephone No. | 216-443-8160 |
|-----------------------------|--------------------|----------------------|--------------|

SUMMARY OF REQUESTED ACTION:

Department of Development and Roetzel and Andress requesting a resolution authorizing the issuance and sale of self-supporting Housing Revenue Bonds in an amount not to exceed \$5,000,000 for Greater Abyssinia Apartments, L.P. for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a financing agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and distribution of a disclosure document; and approving related matters.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Renee Richard, Bond Counsel - Roetzel and Andress
Board list attached.

Approval of this project will result in the substantial rehabilitation and retention of 70 affordable units designated for senior citizen rental. The project is located at 10401 Superior Avenue in the City of Cleveland and will create over 100 temporary construction jobs.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0172

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/ Department of Development | A Resolution authorizing the County Executive, or the Director of Development as his designee, to execute all documents required in connection with various economic development loans for subordination with Flats East Development, LLC, for the Flats East Hotel Project, and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, the Department of Development has requested authority to subordinate the existing County loans on the Flats East Bank project to an additional \$5 million of first mortgage bonds; and,

WHEREAS, the Department of Development received a request from Flats East Development that the County consent to the developer securing an additional \$5 million in first mortgage bonds from Cleveland Investment Fund; and,

WHEREAS, the Cleveland Investment Fund is comprised of the EB-5 foreign investors whose original commitment to the project was to purchase \$20 million in bonds for the office (Series A) and \$20 million in bonds for the Hotel and Retail component of the project (Series B & C bonds); and,

WHEREAS, the Cleveland Investment Fund has agreed to purchase an additional \$5 million in bonds for the Hotel and Retail component of the project which will increase the total first mortgage bond debt from \$111,900,000 to \$116,000,000 and all of the County's financing is currently subordinated to this debt; and,

WHEREAS, the County's loan to value (LTV) for all loans the developer will continue to fall squarely within programmatic requirements, including the HUD 108 loan (\$2 million) which becomes 13%, and the USEPA Revolving Loan Fund loan (\$1.5 million) and the Brownfield Redevelopment Fund (BRF) loan (currently valued at \$1.8 million) which become 55%; and,

WHEREAS, the County loans are being used to support the environmental cleanup and construction of a Hotel located in the Flats East Bank Neighborhood in the City of Cleveland, which will be adjacent to the new office building, and was a requirement of the office building anchor tenant; and,

WHEREAS, the project is expected to create up to forty (40) new jobs and to retain 1,000 jobs through the retention of Ernst and Young, a national accounting firm and Tucker, Ellis & West, a law firm; and,

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

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

SECTION 1. The County Executive and/or the Director of the Department of Development, as the designee of the County Executive, are hereby authorized to enter into a subordination agreement and other instruments and agreements required for the subordination of various economic development loans for the Flats East Development, LLC, for the Flats East Hotel Project (HUD 108 loan, USEPA Revolving Loan Fund loan, and BRF loan) to another \$5 million of first mortgage bonds.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011



Item Details:

| | | | |
|-----------------------------|---------------------------|--------------------------------|----------|
| Agency/Dept. Name: | Department of Development | Agency/Dept. Head Name: | Baunach |
| Type of Request: | | Telephone No. | 698.2575 |
| Request Prepared by: | Laura Clark | | |

SUMMARY OF REQUESTED ACTION:

Requesting approval to subordinate the existing County loans on the Flats East Bank project to an additional \$5 million of first mortgage bonds and authorizing the Director of the Department of Development to execute the subordination agreement and other instruments and agreements with such parties that may be required or appropriate to effectuate the subordination.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

PURPOSE: The Department of Development received a request from Flats East Development to provide our consent to the Developer securing an additional \$5 million in first mortgage bonds from Cleveland Investment Fund. The Cleveland Investment Fund is comprised of the EB-5 foreign investors. Their original commitment to the project was to purchase \$20 million in bonds for the office (Series A) and \$20 million in bonds for the Hotel and Retail component of the project (Series B & C bonds). The Fund has agreed to purchase an additional \$5 million in bonds for the Hotel and Retail component. This increases the total first mortgage bond debt from \$111,900,000 to \$116,900,000. All the County's financing currently is subordinate to this debt; this is not a new source of funding, rather it is an increase in the existing funding source. Attached is an updated sources and uses for the project as well as a collateral analysis. With the additional \$5 million in first mortgage bonds, the County's loan to value (LTV) on our HUD 108 loan becomes 13% and the County's LTV on the RLF and BRF loans becomes 55%. County programming dictates that the LTV can not exceed 90%.

OUTCOMES: The County loans are being used to support the environmental cleanup and construction of a Hotel located in the Flats East Bank Neighborhood in the city of Cleveland. The new hotel, which will be adjacent to the new office building, was a requirement of the office building anchor tenant. The property was formerly utilized for industrial purposes and most recently, as a

surface parking lot. The project is expected to create up to 40 new jobs and to retain 1,000 jobs through the retention of Ernst and Young, a national accounting firm, and Tucker, Ellis & West, a legal firm.

A list of the Principal Owners for Flats East Development LLC is attached.

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

- [Sources and Uses](#)
- [Collateral Analysis](#)
- [Chronology of County's Involvement with project](#)
- [Principal Owners](#)
- [Additional Resos](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0173

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/ Department of Development | A Resolution authorizing a North Coast Opportunities Technology Fund loan in the amount not-to-exceed \$100,000.00 to Sooth, Inc., located at 3021 Euclid Heights Boulevard, Cleveland Heights; authorizing the County Executive, or the Director of Development as his designee, to execute all documents required in connection with said loan. |
|---|--|

WHEREAS, the Department of Development has recommended a North Coast Opportunities (“NCO”) Technology Fund loan in the amount not-to-exceed \$100,000.00 to Sooth, Inc., located at 3021 Euclid Heights Boulevard, Cleveland Heights, Ohio; and,;

WHEREAS, the NCO Technology Fund provides loans to accelerate technology based entrepreneurship, create new high-paying jobs, and increase the flow of private investment to Cuyahoga County technology companies; and,

WHEREAS, the NCO Technology Fund was developed by the Cuyahoga County Department of Development in collaboration with the JumpStart Entrepreneurial Network;

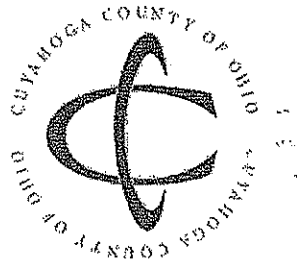
WHEREAS, Sooth, Inc., is a software developer based in Cleveland Heights that has designed an automated software solution for IT network maintenance and security upgrades, and has developed a software solution that reduces the need for companies to manually perform necessary upgrades to their IT networks; and,

WHEREAS, the \$100,000 NCO loan will allow Sooth Inc. to enhance its Software as a Service model and build out the on-line operational infrastructure; and,

WHEREAS, the total cost of the project is \$200,000 and Sooth, Inc., is receiving \$100,000 from the GLIDE innovation fund of Lorain Community College; and,

WHEREAS, Sooth, Inc., projects creating 29 jobs in five years and is in the process of executing a Cuyahoga County Workforce Cooperation Agreement; and,

WHEREAS, a selection committee comprised of representatives from JumpStart, MAGNET, Inc., and Cuyahoga County analyzed the application of Sooth, Inc., on February 7, 2011 and recommended its approval.



Item Details:

| | | | |
|-----------------------------|---------------------------|--------------------------------|-----------------|
| Agency/Dept. Name: | Department of Development | Agency/Dept. Head Name: | Dorothy Baunach |
| Type of Request: | Other | | |
| Request Prepared by: | Gregory Zucca | Telephone No. | 216-443-8067 |

SUMMARY OF REQUESTED ACTION:

County Executive/Department of Development, recommending a loan in the amount not-to-exceed \$100,000.00 to Sooth, Inc. for a North Coast Opportunities Technology Fund Project, located at 3021 Euclid Heights Boulevard, Cleveland Heights; requesting authority for the Director to execute all documents required in connection with said loan.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Sooth, Inc. is a software developer based in Cleveland Heights that has designed an automated software solution for IT network maintenance and security upgrades. Sooth, Inc. developed a software solution that reduces the need for companies to manually perform necessary upgrades to their IT networks. The \$100,000 NCO loan will allow the Sooth, Inc. to enhance its the Software as a Service (SaaS) model and buildout the on-line operational infrastructure. The total cost of the project is \$200,000. In addition to Cuyahoga County NCO funding, Sooth, Inc. received \$100,000 from the GLIDE Innovation Fund of Lorain County Community College.

Sooth, Inc. has developed and begun testing its SaaS technologies. This cloud-hosted solution suite automates labor intensive processes necessary to achieve and maintain optimal computer network security, compliance, uptime, and performance. Conventional practices merely monitor network status and alert IT personnel of a problem that then must be physically addressed. Sooth's products reduce the need for IT staff intervention and labor, freeing vital resources for mandatory projects while enforcing stricter security controls and full data to validate compliance. Sooth, Inc. projects creating 29 jobs in five years and is in the process of executing a Cuyahoga County Workforce Cooperation Agreement.

The Cuyahoga County NCO Technology Fund will provide a payment-deferred loan to help Sooth, Inc. develop the on-line portal function. The proprietary software will use the portal as the operating platform. The \$100,000 loan is at a fixed interest rate of five percent (5.00%) for five (5) years. Principal and accrued interest is due either at the end of the loan term or when the company achieves follow-on investment in the amount of \$1.5 million.

The NCO Technology Fund was developed by the Cuyahoga County Department of Development in collaboration and the JumpStart Entrepreneurial Network ("JEN"). A selection committee comprised of JEN Entrepreneurs-in-Residence ("EIRs"), MAGNET, Inc. and Cuyahoga County analyzed Sooth's application on February 7, 2011 and they recommended approval by Cuyahoga County Council. The loan to Sooth, Inc. represents the 16th NCO Loan since 2008.

The NCO Technology Fund provides loans to accelerate technology-based entrepreneurship, create new high paying jobs, and increase the flow of private investment to Cuyahoga County technology companies. Loans are provided to technology companies that will attract follow-on investment and create jobs. To date the NCO Fund portfolio has attracted more than \$5.3 million dollars in follow-on investment, created 20 jobs, representing an increase of \$1.2 million in annual payroll.

Principal Owners:-
Dennis Dumont, Chief Scientist
Mike Carpenter, Founder

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

| | |
|------------------------|----------------------------|
| Funding source: | Explanation: |
| General Fund | General Fund - Blue Ribbon |

Total Amount Requested:

\$100,000

ATTACHMENTS:

- Click to download
- [NCO Application](#)
 - [Principal Owners](#)
 - [Business Plan Summary](#)

History

Time

Who

Approval

Clerk of the Board

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0174

| | |
|---|---|
| Sponsored by: County Executive FitzGerald/Department of Development/County Airport | A Resolution authorizing the County Executive, through the Department of Procurement & Diversity, to solicit bids on RQ20109 for the Year Two Pavement Maintenance Program: Apron A1, B reconstruction and Apron A2, C, D1 rehabilitation. |
|---|---|

WHEREAS, the County Executive/Department of Development has submitted a request to solicit bids on RQ20109 for the Pavement Maintenance Program at the County Airport; and,

WHEREAS, the Federal Aviation Administration ("FAA") will provide funds for up to 95% of the cost incurred and the Ohio Department of Transportation will also provide funding for the project, and,

WHEREAS, per FAA guidelines the project cost estimates are not disclosed and since the project is federally funded, the Airport has established a DBE goal of 14.05%.

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

SECTION 1. The County Executive, through the Department of Procurement and Diversity, is hereby authorized to solicit bids on RQ20109 for the Year Two Pavement maintenance program: Apron A1, B reconstruction and Apron A2, C, D1 rehabilitation.

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011



Item Details:

| | | | |
|---|--|--------------------------------|--------------|
| Agency/Dept. Name: | Department of Development/Airport Division | Agency/Dept. Head Name: | D. Baunach |
| Type of Request: | RFP / Bid | | |
| Request Prepared by: | Kevin Delaney, Airport Manager | Telephone No.: | 216.289.4111 |
| SUMMARY OF REQUESTED ACTION: | | | |
| Submitting specifications; requesting authority for the Director to advertise for bids: Year Two Pavement Maintenance Program: Reconstruct Apron A1 and B and Rehabilitate Apron A2, C and D1. This project will be funded by Federal, State and County's Capital Improvement funds. | | | |
| Per FAA guidelines the project cost estimates are not disclosed. In addition, since the project is federally funded, the airport has established a DBE goal of 14.05 %, once the contract is awarded, contractor will demonstrate ability to meet goal. | | | |
| PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): | | | |
| Advertising the project will allow the airport to start the process to solicate bids and secure the add'l funding as well as complete the project by the end of 2011. As part of the process, we will hold bids for 90 days to provide ample time to secure and accept the grants. The expected outcome is to Reconstruct Apron A1 and B and Rehabilitate Apron A2, C and D1, since the pavement condition have been identified to be in poor/failing condition by Ohio Dept of Transportation. The FAA grant will require a 5% match and ODOT Grant will require a 10% match, which is funded from the County Capital Improvement Program. | | | |
| Explanation for late submittal: | | | |
| Per our discussion w/ FAA on 3/10, they advised bidding our project asap | | | |

Contract/Agreement Information:

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

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

Financial Information:

Funding source: **Explanation:**
FAA will pay up to 95% of the costs incurred and ODOT 90% of the costs incurred

Total Amount Requested:
\$

ATTACHMENTS:

Click to download

- [Bid Tabulation](#)
- [Gen Conditions](#)
- [Gen Provisions](#)
- [Special Provisions](#)
- [Technical Specs](#)

History

Time

Who

Office of Procurement &
Diversity

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0175

| | |
|--|--|
| Sponsored by: County Executive FitzGerald/Justice Affairs | A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland in the amount not-to-exceed \$442,270.91 for reimbursement of eligible training and exercise expenses in connection with the FY2008 Port Security Grant Program for the period 8/1/2008 - 7/31/2011, and declaring the necessity that this Resolution become immediately effective. |
|--|--|

WHEREAS, the County Executive/Justice Affairs has submitted an agreement with the City of Cleveland in the amount not-to-exceed \$442,270.91 for reimbursement of eligible training and exercise expenses in connection with the FY2008 Port Security Grant Program for the period 8/1/2008-7/31/2011; and,

WHEREAS, the purpose of the FY2008 Port Security Grant Program is to create a sustainable, risk-based effort to protect critical port infrastructure from terrorism, particularly attacks that could cause a major disruption to commerce; and,

WHEREAS, it is necessary that that this resolution become immediately effective because 2008 Port Security Grant Funds expire June 2011 and all funds must be expended, purchases delivered and received as well as all grant management documents completed and approved prior to grant expiration or grant funds shall be forfeited.

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

SECTION 1. The County Executive is hereby authorized to enter into an agreement with the City of Cleveland not-to-exceed \$442,270.91 for reimbursement of eligible training and exercise expenses in connection with the FY2008 Port Security Grant Program for the period 8/1/2008-7/31/2011.

SECTION 2. It is necessary that the resolution become immediately effective in order that critical services provided by Cuyahoga County can continue. Provided that this resolution receives affirmative vote of eight members of Council, this resolution shall become immediately effective upon the signature of the County Executive.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

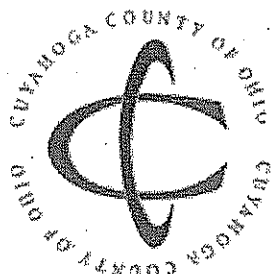
Date

Clerk of Council

Date

Journal _____
_____, 2011

NovusAGENDA



Item Details:

| | | | |
|---|-------------------------------|--------------------------------|--------------|
| Agency/Dept. Name: | Department of Justice Affairs | Agency/Dept. Head Name: | Hugh Shanon |
| Type of Request: | Agreement/Amendment | | |
| Request Prepared by: | Paula L. Young | Telephone No. | 216-443-5924 |
| SUMMARY OF REQUESTED ACTION: | | | |
| Justice Services, submitting an agreement with City of Cleveland in the amount not-to-exceed \$442,270.91 in connection with the FY2008 Port Security Grant Program for the period 8/1/08 through 7/31/2011. | | | |
| PURPOSE/OUTCOMES - PRINCIPAL OWNER(S): | | | |
| The purpose of the FY2008 Port Security Grant Program (PSGP) is to create a sustainable, risk-based effort to protect critical port infrastructure from terrorism, particularly attacks using explosives and non-conventional threats that could cause major disruption to commerce. | | | |
| The PSGP funds are primarily intended to assist ports in enhancing maritime awareness, enhancing risk management capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IED's), Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) and other non-conventional weapons, as well as training and exercises and Transportation worker Identification Credential (TWIC) implementation. | | | |
| History Amount FEMA's Release of Funds Grant Period | | | |
| FY2008 \$1,485,949.00 2/2/2011 8/1/2008 - 7/31/2011 | | | |
| FY2009 \$1,546,204.00 Pending 6/1/2009 - 5/31/2012 | | | |
| FY2010 \$1,003,153.00 1 /20/2011 6/1/2010 - 5/31/2012 | | | |
| Explanation for late submittal: | | | |

Contract/Agreement Information:

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

RFP (Request for Proposal)

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

Financial Information:

| | |
|------------------------|---|
| Funding source: | Explanation: |
| Federal | U.S. Department of Homeland Security, Federal Emergency Management Agency |

Total Amount Requested:
\$442,270.91

ATTACHMENTS:

Click to download

- [FY08 Port Security Grant Resolution](#)
- [Warning Memo](#)
- [W-9 City of Cleveland](#)
- [Yellow Back - City of Cleveland](#)
- [Agreement - City of Cleveland](#)
- [Auditor's Findings - City of Cleveland](#)
- [Attachment I FY08 Award & Local Guidance](#)
- [Exhibit A](#)
- [Exhibit B](#)

History
Time

Who

Approval



FOR CUYAHOGA COUNTY COUNCIL

**FY 2008
PORT SECURITY
GRANT PROGRAM**

**PUBLIC
INFORMATION**



FEMA



Port Security Grant Program (PSGP)

Overview

Total Funding Available in FY 2008: \$388.6 million

Purpose: The PSGP provides grant funding to port areas for the protection of critical port infrastructure from terrorism. PSGP funds help ports enhance their risk management capabilities, domain awareness, training and exercises, and capabilities to prevent, detect, respond to, and recover from attacks involving improvised explosive devices and other non-conventional weapons.

Eligible Applicants:

- Owners and operators of federally regulated terminals, facilities, or U.S. inspected passenger vessels as defined in the Maritime Transportation Security Act (MTSA) 33 Code of Federal Regulations CFR Parts 101, 104, 105, and 106
- Port authorities or other State and local agencies that provide layered security protection to federally regulated facilities in accordance with an AMSP or a facility or vessel security plan
- Consortia of local stakeholders (such as river groups, ports, and terminal associations) representing federally regulated ports, terminals, U.S. inspected passenger vessels, or ferries that provide layered security protection to federally regulated facilities in accordance with an AMSP or a facility or vessel security plan
- Group I and II Fiduciary Agents as identified in the FY 2007 PSGP Supplemental Guidelines

PSGP Program Guidance and Application Kit
(PDF 577 KB, TXT 210 KB)



U.S. DEPARTMENT OF HOMELAND SECURITY

Fiscal Year 2008

PORT SECURITY GRANT PROGRAM

PROGRAM GUIDANCE AND APPLICATION KIT

February 2008



U.S DEPARTMENT OF HOMELAND SECURITY

INTRODUCTION

The Port Security Grant Program (PSGP) is one of five grant programs that constitute the Department of Homeland Security (DHS) Fiscal Year (FY) 2008 focus on infrastructure protection activities. The PSGP is one tool in the comprehensive set of measures authorized by Congress and implemented by the Administration to strengthen the Nation's critical infrastructure against risks associated with potential terrorist attacks.

The vast bulk of US critical infrastructure is owned and/or operated by State, local and private sector partners. PSGP funds support increased port-wide risk management; enhanced domain awareness; training and exercises; and further capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IEDs) and other non-conventional weapons.

The purpose of this package is two-fold: to outline the PSGP, and to provide formal grant guidance and the application materials. Also included is an explanation of DHS management requirements for implementing a successful application.

Applying for significant Federal funds under programs such as this may be quite complex. DHS understands its responsibility to provide clear guidance and efficient application tools to assist applicants. Users are entitled to effective assistance during the application process, and transparent, disciplined management controls to support grant awards. DHS administrators intend to be good stewards of precious Federal resources, and commonsense partners with their State and local colleagues.

DHS understands that each port area has specific individual needs and tested experience about how best to reduce risk within their region. DHS subject matter experts will come to the task with a sense of urgency to reduce risk, but also with an ability to listen carefully to local needs and approaches. In short, DHS commits to respect flexibility and local innovation as it funds national homeland security priorities.

A. Federal Investment Strategy.

The PSGP is an important part of the Administration's larger, coordinated effort to strengthen homeland security preparedness, including the security of the country's critical infrastructure. The PSGP implements objectives addressed in a series of post-9/11 laws, strategy documents, plans, Executive Orders and Homeland Security Presidential Directives (HSPDs) outlined in Appendix A. Of particular significance are the National Preparedness Guidelines and its associated work products, including the National Infrastructure Protection Plan and its forthcoming sector-specific plans. The National Preparedness Guidelines provides an all-hazards vision regarding the Nation's four core preparedness objectives: prevent, protect, respond to and recover from terrorist attacks and catastrophic natural disasters.

The Guidelines first defines a vision of what to accomplish and then provides a set of tools to forge a unified national consensus about what to do and how to work together at the Federal, State, local, and Tribal levels. Private sector participation is integral to the Guidelines' success.¹ The Guidelines outlines 15 scenarios of terrorist attacks or national disasters that form the basis of much of the Federal exercise and training regime. In addition, it identifies 37 critical capabilities that will be DHS's focus for key investments with State, local and Tribal partners.

DHS expects its critical infrastructure partners – including recipients of PSGP grants – to be familiar with this national preparedness architecture and to incorporate elements of this architecture into their planning, operations, and investment to the degree practicable. DHS funding priorities outlined in this document reflect the National Preparedness Guidelines priority investments as appropriate. Programmatic requirements or priority investment categories reflecting the national preparedness architecture for this grant program are expressly identified below.

B. Funding Priorities.

The funding priorities for the FY 2008 PSGP reflect DHS's overall investment strategy, in which two priorities have been paramount: risk-based funding and regional security cooperation.

First, DHS will focus the bulk of its available port grant dollars on the highest-risk port systems. This determination is based on ongoing intelligence analysis, extensive security reviews, and consultations with port industry partners and congressional direction. Eligible port areas were identified using a comprehensive, empirically-grounded risk analysis model that is described below in the section regarding eligible recipients.

At the recommendation of the United States Coast Guard (USCG), some ports are being considered as a single cluster due to geographic proximity, shared risk and a common waterway. As with other DHS grant programs, applications from these port clusters must be locally coordinated and include integrated security proposals to use

¹ The National Preparedness Guideline and its supporting documents were published in final form and released on September 13, 2007. The Guidelines are available at: <http://www.dhs.gov/xprepresp/publications>

PSGP grant dollars. 7 port areas, identified below, have been selected as Group I (highest risk) and 41 port areas have been selected as Group II. Each Group I and Group II port area has been designated a specific amount of money for which eligible entities within that port area may apply. Each application submitted must meet the prioritized criteria developed under the FY 2007 Supplemental PSGP guidelines. Also, the applications submitted should be for those projects that have been identified in the plan(s) developed by the Area Maritime Security Committees (AMSCs), or their designated subcommittees, in accordance with the FY 2007 Supplemental PSGP funding.

In addition, ports not identified in Group I or II are eligible for the FY 2008 PSGP as Group III or “All Other Port Areas” applicants. Group III and All Other Port Areas will compete for funding drawn from their respective pool of applicants. Additionally, under a fifth risk group eligible ferry systems may also apply for funding.

DHS plans extensive outreach and support to applicant entities to answer any questions about PSGP requirements, and to assist port areas with filing the strongest possible applications. FEMA’s Grant Programs Directorate (GPD) will take the lead in coordinating this process. The Coast Guard’s Captain of the Port (COTP) will perform a “field review and prioritization” of applications.

Second, DHS places a very high priority on ensuring that all PSGP applications reflect robust regional coordination and an investment strategy that institutionalizes regional security strategy integration. This priority is a core component in the Department’s statewide grant programs and the Urban Area Security Initiative (UASI) grants.

The FY 2007 Supplemental PSGP Guidelines required Tier (Group) I and Tier (Group) II port areas to develop a Port-Wide Risk Management/Mitigation which is to align with and support the port areas’ Area Maritime Security Plan (AMSP) and the National Preparedness Guidelines, considering the entire port system strategically as a whole, and to identify and execute a series of actions designed to effectively mitigate risks to the system’s maritime critical infrastructure. Following that directive, during FY 2008 Group I and II ports are to seek Port Security Grant funding which will ensure alignment with the programs and projects identified within the Plan being developed with FY 2007 Supplemental PSGP funds following the priorities outlined below, and on page 21 of the FY 2007 Supplemental PSGP Guidance:

- Expand the emphasis on port-wide partnerships, regional management of risk, and business continuity/resumption of trade;
- Prioritize port-wide security strategies and actions that address surface, underwater, and land-based threats;
- Target best risk-mitigation strategies achieving sustainable port-wide security and business continuity/resumption of trade planning;
- Provide the basis for aligning specific grant-funded security projects under this and future year PSGP awards with the broader requirements of the AMSP.

During FY 2008, DHS will continue its effort to encourage and help coordinate port security planning efforts, such as the AMSPs, with complementary initiatives underway at the State and Urban Area levels. This will also be an important evolution in the focus

of the PSGP – from a program that is primarily focused on the security of individual facilities within ports, to a **port-wide risk management/mitigation and continuity-of-operations/resumption-of-trade program that is fully integrated into the broader regional planning construct that forms the core of the UASI, as well as applicable statewide initiatives.**

Note: Group I and II port areas are in the process of developing the plan(s) specified above as part of the FY 2007 Supplemental PSGP. The plan is to address the gaps in authorities, capabilities, capacities, competencies, and partnerships in these ports and identify their prioritized projects for the next five years. The FY 2008 PSGP should continue to fund those projects identified in the plan. Adoption of a deliberate risk management planning process, consistent with that employed in the UASI and State programs, is also a key focus of the SAFE Port Act. DHS has embedded this emphasis in its FY 2008 PSGP, and will continue to increase its efforts during the year.

In addition to these two overarching priorities, the Department has identified the following four points as its priority selection criteria for FY 2008 PSGP:

1. **Enhancing Maritime Domain Awareness (MDA).** MDA is the critical enabler that allows leaders at all levels to make effective decisions and act early against threats to the security of the Nation's seaports. In support of the National Strategy for Maritime Security, port areas should seek to enhance their MDA through projects that address knowledge capabilities within the maritime domain. This could include access control/standardized credentialing, command and control, communications, and enhanced intelligence sharing and analysis.
2. **Enhancing Improvised Explosive Device (IED) prevention, protection, response and recovery capabilities.** Port areas should seek to enhance their capabilities to prevent, detect, respond to and recover from terrorist attacks employing IEDs and/or other non-conventional weapons. Of particular concern in the port environment are attacks that employ IEDs delivered via small craft (similar to the attack on the USS Cole), by underwater swimmers (such as underwater mines) or on ferries (both passenger and vehicle).
3. **Training and exercises.** Port areas should first seek to ensure that appropriate capabilities exist among staff and managers, and then regularly test these capabilities through emergency drills and exercises. Emergency drills and exercises (such as those in the Transportation Security Administration (TSA) Port Security Exercise Training Program) test operational protocols that would be implemented in the event of a terrorist attack. The efforts include live situational exercises involving various threat and disaster scenarios, table-top exercises, and methods for implementing lessons learned.
4. **Efforts supporting implementation of the Transportation Worker Identification Credential (TWIC).** The TWIC is a congressionally mandated security program through which DHS will conduct appropriate background investigations and issue biometrically enabled and secure identification cards for individuals requiring unescorted access to US port facilities. Regulations outlining the initial phase of this program (card issuance) were issued by TSA in

cooperation with the Coast Guard on January 25, 2007. Additional detail about the TWIC program is found in Appendix B.

C. Allowable Expenses.

Specific investments made in support of the funding priorities discussed above generally fall into one of four categories. FY 2008 PSGP allowable costs therefore fall into one of the following areas:

1. Maritime Domain Awareness/TWIC
2. IED prevention, protection, response and recovery capabilities
3. Training and exercises
4. Management and administration

Appendix B provides additional detail about each of these four allowable expense categories, additional guidance on other allowable costs (i.e. guidance on canines, employee identification programs, etc.), as well as a section that identifies several specifically unallowed cost items.

PART I. AVAILABLE FUNDING AND ELIGIBLE APPLICANTS

This section summarizes the total amount of funding available under the FY 2008 PSGP, the basic distribution method used to administer the grants, and the port areas that are eligible for FY 2008 funding.

A. Available Funding.

In FY 2008, PSGP has a total of \$388 million available for distribution. This is up from \$312 million in FY 2007. The available funding will be divided into five pools, as summarized in Table 1.

**Table 1.
PSGP FY 2008 Available Funding**

| Group | FY 2008 Funding |
|----------------------|----------------------|
| Group I | \$210,649,989 |
| Group II | \$134,049,701 |
| Group III | \$19,150,310 |
| All Other Port Areas | \$19,150,000 |
| Ferry Systems | \$5,600,000 |
| TOTAL | \$388,600,000 |

Historically, the PSGP has provided full funding, rather than partial funding, for proposed PSGP projects. Typically, several applicants make requests for projects that are so large that funding is denied because there is not enough grant money available to cover the total project cost.

B. Selection of Eligible Applicants.

Port areas for the FY 2008 PSGP were identified using comprehensive, empirically grounded risk-analysis modeling. Risk methodology for PSGP programs is consistent across the modes and is linked to the risk methodology used to determine eligibility for the core DHS State and local grant programs.

Within the PSGP, eligibility for all grant awards is first predicated on a systematic risk analysis that reviews and rates eligible ports in a given area for comparative risk. Then all port areas will be comparably rated. The FY 2008 risk assessment formula was further strengthened and refined from last year's risk assessment formula.

The PSGP risk formula is based on a 100 point scale comprising “threat” (20 points) and “vulnerability/consequences” (80 points). Risk data for eligible port areas is gathered individually and then aggregated by region. The DHS risk formula incorporates multiple normalized variables, meaning that for a given variable, all eligible port areas are empirically ranked on a relative scale from lowest to highest.

DHS’s risk assessment methodology for PSGP considers critical infrastructure system assets, and characteristics from four areas that might contribute to their risk: intelligence community assessments of threat; economic consequences of attack; port assets; and area risk (to people and physical infrastructure immediately surrounding the port). The relative weighting of variables reflects DHS’s overall risk assessment, as well as the FY 2008 program priorities described above. Specific variables include multiple data sets regarding length of port channel; military mission variables; adjacent critical asset inventories; Coast Guard Maritime Security Risk Analysis Model (MSRAM) data; and international cargo value and measures of cargo throughput (container, break bulk, international and domestic).

C. Eligible Applicants.

46 USC 70107 states that all entities covered by an AMSP² may submit an application for consideration of funding. However, Congress has also specifically directed DHS to apply these funds to the highest risk ports. In support of this, the PSGP includes a total of 103 specifically identified critical ports, representing approximately 95 percent of the foreign waterborne commerce of the United States. Based upon United States Coast Guard (USCG) recommendations, these ports are aggregated into 74 discreet port funding areas. As described below, “All Other Port Areas” covered by an AMSP are eligible to apply for grant funds from a PSGP funding pool created for that purpose. “All Other Port Areas” within Groupings I through III are allowed to receive grant funds from their geographically proximate higher Group if the project has **regional impact**, but not from both funding groups for the same project. Additionally, under a fifth risk group eligible ferry systems may also apply for grant funds (see Appendix C).

As a condition of eligibility, all PSGP applicants are required to be fully compliant with relevant Maritime Security Regulations (33 CFR parts 101-106). Any open or outstanding Notices of Violation (NOVs) that have not been resolved prior to the application submission deadline will result in the applicant being denied for consideration of FY 2008 PSGP funding.

Within the PSGP, the following entities are specifically encouraged to apply:

- Owners or operators of federally regulated terminals, facilities, US inspected passenger vessels or ferries as defined in the Maritime Transportation Security Act (MTSA) 33 Code of Federal Regulations (CFR) Parts 101, 104, 105, and 106

² For purposes of the FY 2008 PSGP, a facility that is not expressly identified in an AMSP will be considered covered under an AMSP if the facility in question has had a risk analysis completed by the US Coast Guard utilizing the MSRAM tool.

- Port authorities or other State and local agencies that are required to provide security services to eligible Ferry System applicants (MTSA regulated facilities) pursuant to a AMSP or a facility or vessel security plan
- Consortia composed of local river organizations, ports and terminal associations, and other local stakeholder groups representing federally regulated ports, terminals, US inspected passenger vessels or ferries that are required to provide security services to federally regulated facilities in accordance with an AMSP or a facility or vessel security plan
- Group I and II Fiduciary Agents as identified under the FY 2007 Supplemental PSGP Guidance
- The twenty three newly identified Group II port areas in FY 2008 PSGP Guidance
- Ferry Systems identified in Table 3

Table 2 lists the specific port areas, by Group, that are eligible for funding through the FY 2008 PSGP. Group I and II port areas are listed with the amount of funding available for enhancing and implementing their risk management/mitigation and business-continuity/resumption-of-trade plans. Group III and All Other Port Areas may compete for the funding identified in their corresponding Group.

Table 3 lists specific ferry systems by port area that are eligible to apply for grant funds through the FY 2008 PSGP. Not all eligible ferry systems are guaranteed to receive an award. For specific guidance on ferry system requirements, applicants should refer to Appendix C.

Eligible ferry systems identified in Table 4 in the FY 2008 Transit Security Grant Program (TSGP) Guidance that elect to participate and receive funds under the FY 2008 TSGP cannot participate in the FY 2008 PSGP, and will not be considered for funding under the FY 2008 PSGP. Any ferry system that participates in the TSGP cannot be considered for funding under the PSGP.

US DEPARTMENT OF HOMELAND SECURITY – PORT SECURITY GRANT PROGRAM

| Group | State | Port Area | FY 2008 Allocation |
|-----------|---|------------------------------------|--------------------|
| II | AL | Mobile | \$2,804,667 |
| | CA | San Diego | \$2,898,611 |
| | CT | Long Island Sound | \$4,314,180 |
| | | Bridgeport | |
| | | New Haven New London | |
| | FL | Jacksonville | \$5,751,002 |
| | | Miami | \$2,886,495 |
| | | Panama City | \$1,594,855 |
| | | Pensacola | \$1,610,600 |
| | | Port Canaveral | \$2,909,393 |
| | | Port Everglades | \$4,216,566 |
| | | Tampa Bay Port Manatee Tampa | \$2,306,085 |
| | GA | Savannah | \$5,035,434 |
| | HI | Honolulu | \$4,528,068 |
| | IL/IN | Southern Tip of Lake Michigan | \$6,247,652 |
| | | Burns Waterway Harbor | |
| | | Chicago | |
| | | Gary Indiana Harbor | |
| | KY | Louisville | \$1,514,159 |
| | LA | Lake Charles | \$3,943,330 |
| | | Port Fourchon/LOOP | \$2,903,914 |
| | MA | Boston | \$4,520,703 |
| | MD | Baltimore | \$6,239,205 |
| | MI | Detroit | \$1,520,647 |
| | MN | Minneapolis-St. Paul | \$2,020,111 |
| | MN/WI | Duluth-Superior | \$1,906,599 |
| | MO | Kansas City | \$1,550,745 |
| | | St. Louis | \$2,495,586 |
| | NC | Morehead City | \$1,683,035 |
| | | Wilmington | \$5,398,899 |
| | NY | Albany | \$1,948,137 |
| | | Buffalo | \$1,421,504 |
| | OH | Cincinnati | \$1,706,352 |
| | | Cleveland | \$1,412,620 |
| | | Huron | \$2,748,724 |
| | OR/WA | Columbia-Willamette River System | \$3,110,542 |
| | | Portland Vancouver | |
| | PA | Pittsburgh | \$2,308,800 |
| | PR | Ponce | \$1,974,912 |
| | SC | Charleston | \$5,230,224 |
| | TN | Memphis | \$2,407,360 |
| Nashville | | \$1,469,726 | |
| TX | Corpus Christi | \$6,632,460 | |
| | Freeport | \$3,281,177 | |
| | Sabine-Neches River Beaumont Port Arthur | \$6,601,994 | |
| VA | Hampton Roads Newport News Norfolk Harbor | \$6,741,073 | |
| WV | Huntington | \$2,253,555 | |

Indicates Port Areas which moved from Group III to Group II

Indicates Port Area which moved from Group I to Group II

RESOLUTION

Accepting a grant award in the amount of \$1,485,949 00 from U S Department of Homeland Security/Federal Emergency Management Agency for the FY2008 Port Security Grant Program for the Department of Justice Affairs for the period August 1, 2008 through July 31, 2011.

BE IT RESOLVED by the Board of County Commissioners of Cuyahoga County, Ohio, that a grant award in the amount of \$1,485,949.00 from U.S. Department of Homeland Security/Federal Emergency Management Agency for the FY2008 Port Security Grant Program for the Department of Justice Affairs for the period August 1, 2008 through July 31, 2011 be, and the same is, hereby accepted.

BE IT FURTHER RESOLVED that the Clerk of the Board be, and she is, hereby instructed to transmit a copy of this resolution together with the executed grant award to Gary Holland, Director, Department of Justice Affairs.

On Motion of Commissioner Jones, seconded by Commissioner Dimora, the foregoing resolution was duly adopted.

Ayes: Jones, Dimora, Hagan.

Nays: None.

Resolution Adopted.

Jeanne M. Schmotzer,
Clerk of the Board

Journal 301
January 22, 2009
090456
bw

FY 2008 INVESTMENT JUSTIFICATIONS FINAL LIST

| | |
|--------------------------------|----------------------|
| Fiduciary Agent Details | |
| Port Area | Cleveland |
| Fiduciary Agent | Cuyahoga County PSGA |
| Award Number | 2008GB-T8-K107 |
| Number of IJs/Projects | 7 |

PSGP Funding: \$1,485,949.00

| General Project Information | | | | Funding Details | | | | COTP/AMSC Review | | | | | | | |
|-----------------------------|---|--|---|--|-----------------------|---------------------|--------------------|-----------------------|------------------|--------------------------|------------------|------------------|------------------|------------------|-------------|
| I# | Submittal Name | Project Location (City/State) | Project Type | Project Description | Proposed PSGP Funding | Proposed Cash Match | Total Project Cost | COTP Priority Ranking | Align with Plan? | Eligible for PSGP funds? | Criteria 1 Score | Criteria 2 Score | Criteria 3 Score | Criteria 4 Score | Total Score |
| 1 | City of Cleveland Public Safety | Cleveland (09-33254) | Prevention, Protection, Response and Recovery capabilities | Cleveland Waterborne Security and Emergency Response Equipment | \$434,271.87 | \$144,757.29 | \$579,029.16 | 1 | YES | YES | | | | | 17 |
| 2 | City of Elyria Water Plant | Cleveland 3628 West Erie Avenue Lorain, Ohio 44053 | Maritime Awareness & Prevention, Protection, Response and Recovery Capabilities | Water Plan Security | \$54,648.69 | \$18,216.23 | \$72,864.92 | 2 | YES | YES | | | | | 16 |
| 3 | Cleveland Cuy. County Port Authority | Within Cleveland Ohio Port | Maritime Domain Awareness | Security Enhancements | \$188,750.00 | \$62,916.67 | \$251,666.67 | 3 | YES | YES | | | | | 15 |
| 4 | Norfolk Southern Railway | 4860 W. 150th St. Cleveland, Ohio 44135 | Maritime Awareness & Prevention, Protection, Response and Recovery Capabilities | Video Surveillance and Access Control Security Enhancement | \$185,343.75 | \$61,781.25 | \$247,125.00 | 4 | YES | YES | | | | | 15 |
| 5 | Ohio Dept. of Natural Resources | 1150 E. 49th St. Cleveland, Ohio 44114 | Prevention, Protection, Response and Recovery Capabilities | 30' Patrol Vessel | \$250,164.18 | \$83,388.06 | \$333,552.24 | 5 | YES | YES | | | | | 14 |
| 6 | Rock and Roll Hall of Fame and Museum, Inc. | 1100 Rock & Roll Blvd. Cleveland, Ohio 44114 | Prevention, Protection, Response and Recovery Capabilities | Installation of Security Barriers | \$41,466.75 | \$13,822.25 | \$55,289.00 | 6 | YES | YES | | | | | 13 |
| 7 | City of Cleveland Harbor | Cleveland (09-33254) | Maritime Domain Awareness | Committee decided not to fund at this time | \$0.00 | \$0.00 | \$0.00 | | | | | | | | |
| | | | | | \$1,154,645.24 | \$384,881.75 | \$1,539,526.99 | | | | | | | | |

REVISED 10/25/2010
By: E. G. Hoytt & L. Jones

| | | | | | | |
|--------------------|----|--------------|----|------------|----|--------------|
| LL3 Risk Man. Plan | \$ | 286,725.29 | \$ | - | \$ | 286,725.29 |
| Adm. unallocated | \$ | 44,578.47 | \$ | - | \$ | 44,578.47 |
| Total | \$ | 1,485,949.00 | \$ | 384,881.75 | \$ | 1,870,830.75 |

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0176

| | |
|--|--|
| Sponsored by: County Executive FitzGerald/Justice Affairs | A Resolution authorizing the County Executive to enter into an agreement with Ohio Department of Natural Resources – Division of Watercraft in the amount not-to-exceed \$250,164.18 for reimbursement of eligible training and exercise expenses in connection with the FY2008 Port Security Grant Program for the period 8/1/2008 - 7/31/2011, and declaring the necessity that this Resolution become immediately effective. |
|--|--|

WHEREAS, the County Executive/Justice Affairs has submitted an agreement with the Ohio Department of Natural Resources – Division of Watercraft in the amount not-to-exceed \$250,164.18 for reimbursement of eligible training and exercise expenses in connection with the FY2008 Port Security Grant Program for the period 8/1/2008-7/31/2011; and,

WHEREAS, the purpose of the FY2008 Port Security Grant Program is to create a sustainable, risk-based effort to protect critical port infrastructure from terrorism, particularly attacks that could cause a major disruption to commerce; and,

WHEREAS, it is necessary that that this resolution become immediately effective because 2008 Port Security Grant Funds expire June 2011 and all funds must be expended, purchases delivered and received as well as all grant management documents completed and approved prior to grant expiration or grant funds shall be forfeited.

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

SECTION 1. The County Executive is hereby authorized to enter into an agreement with the Ohio Department of Natural Resources – Division of Watercraft in the amount not-to-exceed \$250,164.18 for reimbursement of eligible training and exercise expenses in connection with the FY2008 Port Security Grant Program for the period 8/1/2008-7/31/2011.

SECTION 2. It is necessary that the resolution become immediately effective in order that critical services provided by Cuyahoga County can continue. Provided that this resolution receives affirmative vote of eight members of Council, this resolution shall become immediately effective upon the signature of the County Executive.



Item Details:

| | | | |
|-----------------------------|-------------------------------|--------------------------------|--------------|
| Agency/Dept. Name: | Department of Justice Affairs | Agency/Dept. Head Name: | Hugh Shannon |
| Type of Request: | Agreement/Amendment | | |
| Request Prepared by: | Paula Young | Telephone No. | 216-443-5924 |

SUMMARY OF REQUESTED ACTION:

The Department of Justice Affairs, submitting an agreement in connection with the FY2008 Port Security Grant Program for the period August 1, 2008 through July 31, 2011.

Agreements

Ohio Department of Natural Resources-
Division of Watercraft Not-to-exceed \$250,164.18

Total \$250,164.18

History Amount FEMA's Release of Funds Grant Period

FY2008 \$1,485,949.00 2/2/2011 8/1/2008 - 7/31/2011
 FY2009 \$1,546,204.00 Pending 6/1/2009 - 5/31/2012
 FY2010 \$1,003,153.00 1 /20/2011 6/1/2010 - 5/31/2012

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The purpose of the FY2008 Port Security Grant Program (PSGP) is to create a sustainable, risk-based effort to protect critical port infrastructure from terrorism, particularly attacks using explosives and non-conventional threats that could cause major disruption to commerce.

The PSGP funds are primarily intended to assist ports in enhancing maritime awareness, enhancing risk management capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IED's), Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) and other non-conventional weapons, as well as training and

exercises and Transportation worker Identification Credential (TWIC) implementation.

Explanation for late submittal:

Grant has a 3 year window

Contract/Agreement Information:

Procurement Method:

RFP (Request for Proposal)

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

Financial Information:

Funding source: Explanation:

Federal U.S Department of Homeland Security Federal Emergency Management Agency

Total Amount Requested:

\$250,164.18

ATTACHMENTS:

Click to download

- [ODNR W-9](#)
- [ODNR Yellow Back](#)
- [ODNR Agreement](#)
- [ODNR Audit Finding](#)
- [Attachment I Award & Local Guidance](#)
- [Exhibit A](#)
- [Exhibit B](#)
- [Exhibit C](#)
- [FY08 Port Security Grant Resolution](#)
- [NEORAMSS Committee Score Sheet](#)
- [signed grant award - backup](#)
- [Confidential Warning](#)
- [BB](#)
- [Voucher](#)

History

Time

Who

Approval

Clerk of the Board

[http://www.ohio.gov/transportation/ohio](#)

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0177

| | |
|--|--|
| Sponsored by: County Executive FitzGerald/Justice Affairs | A Resolution authorizing the County Executive to enter into an agreement with City of Cleveland in the amount not-to-exceed \$300,000.00 for reimbursement of eligible training and exercise expenses in connection with the FY2010 Port Security Grant Program for the period 6/1/2010 - 5/31/2013, and declaring the necessity that this Resolution become immediately effective. |
|--|--|

WHEREAS, the County Executive/Justice Affairs has submitted an agreement with the City of Cleveland in an amount not-to-exceed \$300,000.00 for reimbursement of eligible training and exercise expenses in connection with the FY2010 Port Security Grant Program for the period 6/1/2010-5/31/2013; and,

WHEREAS, the purpose of the FY2010 Port Security Grant Program is to create a sustainable, risk-based effort to protect critical port infrastructure from terrorism, particularly attacks that could cause a major disruption to commerce.

WHEREAS, it is necessary that this resolution become immediately effectively in order that critical services provided by the County may continue and Port Security Grant Program funds be expended in a timely manner in compliance with federal guidelines.

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

SECTION 1. The County Executive is hereby authorized to enter into an agreement with the City of Cleveland in the amount not-to-exceed \$300,000 for reimbursement of eligible training and exercise expenses in connection with the FY2010 Port Security Grant Program for the period 6/1/2010-5/31/2013.

SECTION 2. It is necessary that the resolution become immediately effective in order that critical services provided by Cuyahoga County can continue. Provided that this resolution receives affirmative vote of eight members of Council, this resolution shall become immediately effective upon the signature of the County Executive.

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

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

Yeas:

Nays:

County Council President

Date

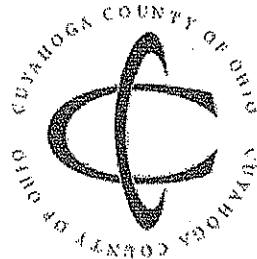
County Executive

Date

Clerk of Council

Date

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name: Department of Justice Affairs **Agency/Dept. Head Name:** Hugh Shanon

Type of Request: Agreement/Amendment

Request Prepared by: Paula L. Young **Telephone No.** 216-443-5924

SUMMARY OF REQUESTED ACTION:

County Executive/Justice Services, submitting an agreement with the City of Cleveland in the amount of \$300,000.00 in connection with the F2010 Port Security Grant Program for the time period 6/1/2010 through 5/31/2013.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The purpose of the FY2010 Port Security Grant Program (PSGP) is to create a sustainable, risk-based effort to protect critical port infrastructure from terrorism, particularly attacks using explosives and non-conventional threats that could cause major disruption to commerce.

The PSGP funds are primarily intended to assist ports in enhancing maritime awareness, enhancing risk management capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IED's), Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) and other non-conventional weapons, as well as training and exercises and Transportation worker Identification Credential (TWIC) implementation.

History

YearAmount FEMA's Release of Funds Grant Period

FY2008 \$1,485,949.00 2/2/2011 8/1/2008 - 7/31/2011
FY2009 \$1,546,204.00 Pending 6/1/2009 - 5/31/2012
FY2010 \$1,003,153.00 1 /20/2011 6/1/2010 - 5/31/2012

Explanation for late submittal:

N/A Grant has a 3 year window

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

| | |
|------------------------|---|
| Funding source: | Explanation: |
| Federal | U.S Department of Homeland Security Federal Emergency Management Agency |

Total Amount Requested:
\$300,000.00

ATTACHMENTS:

Click to download

- [City of Cleveland W-9](#)
- [City of Cleveland Agreement](#)
- [City of Cleveland Auditor Findings](#)
- [Attachment I](#)
- [Exhibit A](#)
- [Exhibit B](#)
- [Exhibit C](#)
- [CONFIDENTIAL](#)
- [Yellow Back](#)
- [Voucher](#)

History

| Time | Who | Approval |
|--------------------|-------------------------|-----------------|
| 3/25/2011 10:25 AM | Clerk of the Board | Yes |
| 3/28/2011 1:21 PM | County Auditor | Yes |
| | County Prosecutor Civil | |

FOR CUYAHOGA COUNTY COUNCIL

**FY 2010
PORT SECURITY
GRANT PROGRAM**

**PUBLIC
INFORMATION**



FEMA



FY 2010 Port Security Grant Program (PSGP)

Total Funding Available in FY 2010: \$288 Million

Purpose: The purpose of the FY 2010 PSGP is to create a sustainable, risk-based effort to protect critical port infrastructure from terrorism, particularly attacks using explosives and non-conventional threats that could cause major disruption to commerce. The PSGP provides grant funding to port areas for the protection of critical port infrastructure from terrorism. The PSGP funds are primarily intended to assist ports in enhancing maritime domain awareness, enhancing risk management capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IEDs), Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE), and other non-conventional weapons, as well as training and exercises and Transportation Worker Identification Credential (TWIC) implementation.

Eligible Applicants: Seven port areas have been selected as Group I (highest risk) and forty-eight port areas have been selected as Group II. Ports not identified in Group I or II are eligible to apply as a Group III or "All Other Port Areas" applicant. There is no designated Ferry appropriation. Ferry Systems in Group I and II can apply through the designated Fiduciary Agent (FA). All other Ferry Systems should apply with the Group III and "All Other Port Areas." "All Other Port Areas" within Group I, II or III are allowed to receive grant funds from their geographically proximate higher group if the project has regional impact across the entire port area, but not from both funding groups for the same project.

Program Awards: Each Group I and Group II port area has been designated a specific amount of money based upon the FY 2010 risk analysis. Group III and "All Other Port Areas" will compete for the funding identified in their corresponding group. Those port areas newly identified as Group II will have the option of selecting a Fiduciary Agent (FA) and beginning the FA process, or opting out of the FA process. If opting out of the FA process, individual eligible entities will apply directly to FEMA for funding within the Group they originally resided.

Additional Information

- FY 2010 PSGP FAQs (PDF 64KB, TXT 14KB) - Updated May 13, 2010
- FY 2010 PSGP Guidance and Application Kit (PDF 256KB, TXT 164KB)
- FY 2010 PSGP Investment Justification Template (PDF 38KB, TXT 11KB)
- FY 2010 PSGP Sample Budget Detail Worksheet (PDF 26KB, TXT 10KB)
- FY 2009 PSGP



FEMA

Fiscal Year (FY) 2010 Port Security Grant Program (PSGP) Frequently Asked Questions (FAQs)

1. What is the purpose of the FY 2010 Port Security Grant Program (PSGP)?

The purpose of the FY 2010 PSGP is to promote sustainable, risk-based efforts to protect critical port infrastructure from terrorism, particularly attacks using explosives and non-conventional threats that could cause major disruption to commerce.

2. How much funding is available under the FY 2010 PSGP?

The total amount of funds to be distributed under the FY 2010 PSGP is \$288 million. This comes in addition to **\$150 million** in port security grants provided by the Recovery Act (1)—totaling **\$438 million**.

3. What are the priorities for the FY 2010 PSGP?

The Department has identified the following four priorities as its selection criteria for all FY 2010 PSGP applicants:

- Enhancing Maritime Domain Awareness (MDA)
- Enhancing Improvised Explosive Device (IED) and Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) prevention, protection, response and recovery capabilities
- Training and exercises
- Efforts supporting implementation of the Transportation Worker Identification Credential (TWIC)

4. Who was eligible to apply for FY 2010 PSGP funds?

Seven port areas were selected as Group I (highest risk) and forty-eight port areas were selected as Group II. For Group I and II port areas the FY 2010 PSGP only accepted applications from the designated Fiduciary Agents (FA). All individual entities (including ferry systems) within one of these port areas applied for PSGP funds through their port area's designated FA. Ports not identified in Group I or II were eligible to apply as a Group III or "All Other Port Areas" applicant. There was no designated Ferry allocation. Ferry Systems in Group I and II could apply through the designated FA. All other Ferry Systems applied within Group III or "All Other Port Areas."

The following entities were specifically encouraged to apply:

- Owners or operators of federally regulated terminals, facilities, U.S. inspected passenger vessels or ferries as defined in the Maritime Transportation Security Act (MTSA) and Title 33 of the Code of Federal Regulations (CFR) Parts 101, 104, 105, and 106
- Port authorities or other state and local agencies that are required to provide security services to eligible Ferry System applicants (MTSA regulated facilities) pursuant to an Area Maritime Security Plan (AMSP), a Facility Security Plan (FSP), or a Vessel Security Plan (VSP)
- Consortia composed of local river organizations, ports and terminal associations, and other local stakeholder groups representing federally regulated ports, terminals, U.S. inspected passenger vessels or ferries that are required to provide security services to federally regulated facilities or federally regulated vessels in accordance with an AMSP, a FSP or VSP; and recognized as Area Maritime Security Committee (AMSC) members by the Captain of the Port (COTP)
- Group I and II Fiduciary Agents (FA)

5. How were the FY 2010 PSGP funds determined?

Each Group I and Group II port area was designated a target amount of money based upon the FY 2010 risk analysis. Group III and “All Other Port Areas” (including new Group II port areas that chose to opt out of the FA process) competed for the funding identified in their corresponding group. Applications were reviewed at the field-level managed by the applicable U.S. Coast Guard Captain of the Port, and at the national level by subject matter experts from DHS and the Department of Transportation.

6. What legislation authorized funding for the FY 2010 PSGP?

The *Department of Homeland Security Appropriations Act, 2010* (Public Law 111-83) provided funding for this program.

7. Where is the FY 2010 PSGP Guidance and Application Kit located?

The FY 2010 PSGP Guidance and Application Kit is located online at <http://www.fema.gov/grants> as well as on www.grants.gov.

8. What other resources are available to address programmatic, technical and financial questions?

- For additional program-specific information, please contact the Centralized Scheduling and Information Desk (CSID) help line at (800) 368-6498 or askcsid@dhs.gov. CSID hours of operation are from 8:00 a.m. to 6:00 p.m. EST, Monday through Friday.
- For financial-related questions, including pre-and post-award administration and technical assistance, applicants may contact the FEMA Grant Programs Directorate Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov.

9. What is the FY 2010 PSGP period of performance?

The period of performance of this grant is 36 months.



U.S. DEPARTMENT OF HOMELAND SECURITY

FISCAL YEAR 2010

PORT SECURITY GRANT PROGRAM

GUIDANCE AND APPLICATION KIT

DECEMBER 2009



U.S. DEPARTMENT OF HOMELAND SECURITY

| Group | State/Territory | Port Area | FY 2010 Target Allocation |
|-------|-------------------------|--|---------------------------|
| II | Alabama | Mobile | \$1,569,644 |
| | California | San Diego | \$2,748,751 |
| | | Port Hueneme | \$1,156,116 |
| | Connecticut | Long Island Sound Bridgeport New Haven New London | \$2,250,077 |
| | Florida | Jacksonville | \$3,137,877 |
| | | Port Everglades | \$2,221,586 |
| | | Miami | \$1,718,156 |
| | | Tampa Bay Port Manatee Tampa | \$1,692,578 |
| | | Port Canaveral | \$1,510,215 |
| | | Panama City | \$1,000,761 |
| | | Pensacola | \$1,000,732 |
| | Georgia | Savannah | \$2,744,559 |
| | Guam | Apra Harbor | \$1,000,466 |
| | Hawaii | Honolulu Barbers Point, Oahu Honolulu, Oahu | \$3,082,600 |
| | Indiana/ Illinois | Southern Tip Lake Michigan Burns Waterway Harbor, IN Chicago, IL Gary, IN Indiana Harbor, IN | \$3,731,955 |
| | Kentucky | Louisville | \$1,000,666 |
| | Louisiana | Lake Charles | \$2,083,130 |
| | | Port Fourchon/The LOOP | \$1,479,538 |
| | | Morgan City | \$1,121,325 |
| | Massachusetts | Boston | \$2,358,154 |
| | Maryland | Baltimore | \$3,214,934 |
| | Maine | Portland | \$1,022,818 |
| | Michigan | Detroit | \$1,000,679 |
| | Minnesota | Minneapolis-St. Paul Minneapolis St. Paul | \$1,010,690 |
| | Minnesota/ Wisconsin | Duluth-Superior, MN and WI | \$1,052,913 |
| | Missouri | Kansas City | \$1,002,615 |
| | Missouri/ Illinois | St. Louis, MO and IL | \$1,557,434 |
| | Mississippi | Pascagoula | \$1,000,000 |
| | North Carolina | Wilmington | \$2,824,581 |
| | | Morehead City | \$1,108,247 |

| Group | State/Territory | Port Area | FY 2010 Target Allocation |
|-------|---------------------------------|---|---------------------------|
| II | New York | Albany | \$1,041,494 |
| | | Buffalo | \$1,033,563 |
| | Ohio | Cincinnati | \$1,000,889 |
| | | Cleveland | \$1,000,674 |
| | | Toledo | \$1,000,411 |
| | Pennsylvania | Pittsburgh | \$1,301,431 |
| | Puerto Rico | San Juan | \$2,199,761 |
| | | Ponce | \$1,014,027 |
| | South Carolina | Charleston | \$2,779,565 |
| | Tennessee | Memphis | \$1,402,102 |
| | | Nashville | \$1,000,683 |
| | Texas | Sabine-Neches River Beaumont Port Arthur | \$4,425,350 |
| | | Corpus Christi | \$3,825,437 |
| | | Freeport | \$1,707,107 |
| | Virginia | Hampton Roads Newport News Norfolk Harbor | \$4,253,186 |
| | Washington/ Oregon/ Idaho | Columbia-Snake River System Kalama, WA Longview, WA Portland, OR Vancouver, WA Benton, WA Clarkston, WA Ilwaco, WA Kennewick, WA Pasco, WA Walla Walla, WA Whitman County, WA Astoria, OR Boardman, OR The Dalles, OR Hood River, OR St. Helens, OR Umatilla, OR Lewiston, ID | \$1,620,750 |
| | West Virginia | Huntington - Tristate | \$1,180,905 |

RESOLUTION

Accepting a grant award in the amount of \$1,003,153.00 from U.S. Department of Homeland Security, Federal Emergency Management Agency for the FY2010 Port Security Grant Program for the Department of Justice Affairs for the period June 1, 2010 through May 31, 2013; authorizing Peter Lawson Jones, President to sign said grant award on behalf of the Board of County Commissioners; authorizing Hugh B. Shannon, Executive Officer, Department of Justice Affairs, to execute all fiscal and programmatic reports required in connection with said grant.

BE IT RESOLVED by the Board of County Commissioners of Cuyahoga County, Ohio, that a grant award in the amount of \$1,003,153.00 from U.S. Department of Homeland Security, Federal Emergency Management Agency for the FY2010 Port Security Grant Program for the Department of Justice Affairs for the period June 1, 2010 through May 31, 2013 be, and the same is, hereby accepted.

BE IT FURTHER RESOLVED that Peter Lawson Jones, President be, and he is, hereby authorized to sign said grant award on behalf of the Board of County Commissioners.

BE IT FURTHER RESOLVED that Hugh B. Shannon, Executive Officer, Department of Justice Affairs be, and he is, hereby authorized to execute all fiscal and programmatic reports required in connection with said grant on behalf of the Board of County Commissioners.

BE IT FURTHER RESOLVED that the Clerk of the Board be, and she is, hereby instructed to transmit a copy of this resolution together with the executed grant award to Hugh B. Shannon, Executive Officer, Department of Justice Affairs.

On Motion of Commissioner Hagan, seconded by Commissioner Jones, the foregoing resolution was duly adopted.

Ayes: Hagan, Jones.

Nays: None.

Resolution Adopted.

Jeanne M. Schmotzer,
Clerk of the Board

Journal 308
September 16, 2010
103967
bw

FY 2010 INVESTMENT JUSTIFICATIONS FINAL LIST

Work Group Scoring Evaluation
 NOTE: FEWA APPROVED - FY2010 Cleveland Port Allocation: \$1,003,153.00
 Less 5% M&A: \$50,158.00
 FUNDS Available for Projects: \$952,995.00

| | |
|-------------------------|----------------------|
| Fiduciary Agent Details | Cleveland |
| Port Area | Cuyahoga County PS&A |
| Fiduciary Agent | Not Received Yet |
| Award Number | |
| Number of US Projects | 9 |

| General Project Information | | Funding Details | | | | COTP/AMSC Review | | | | | | | | | |
|-----------------------------|---|--|---|---|----------------------------------|---------------------|--|-----------------------|------------------|-------------------------|------------------|------------------|------------------|------------------|----------------------|
| U# | Subgrant Name | Project Location (City, State) | Project Type | Project Description | Applicant Requested PSCP Funding | Proposed Cash Match | NEORAMS Workgroup Recommendation for Award | COTP Priority Ranking | Align with plan? | Eligible for PSCP fund? | Criteria 1 Score | Criteria 2 Score | Criteria 3 Score | Criteria 4 Score | Total Criteria Score |
| 4 | Ohio Dept of Public Safety- Homeland Security | 1970 W. Broad Street Columbus, OH 43222 | Maritime Awareness & Prevention, Protection, Response and Recovery Capabilities | Northern Border Task Force Marine Patrol Equipment | \$ 201,100.00 | \$0.00 | \$ 201,100.00 | 1 | Y | Y | 6.75 | 4.00 | 4.00 | 3.63 | 18.4 |
| 6 | City of Cleveland-Dept. of Public Safety | 205 W. St. Clair Avenue, Cleveland OH 44113 | IED and CBRNE Prevention, Protection, Response and Recovery & Training | Port of Cleveland Emergency Response Equipment & Training | \$ 300,000.00 | \$0.00 | \$ 300,000.00 | 2 | Y | Y | 6.13 | 3.43 | 3.29 | 3.60 | 16.4 |
| 9 | Sherriff's Office | 1215 W. 3rd Street, Cleveland, OH 44113 | IED and CBRNE Prevention, Protection, Response and Recovery Cap. | Northern Border Maritime Awareness and Enhancement | \$ 126,808.54 | \$0.00 | \$ 126,809.00 | 3 | Y | Y | 5.88 | 3.71 | 3.43 | 3.25 | 16.3 |
| 1 | Kinder Morgan, Pinney Dock Terminal | 1149 E. 8th St. Ashabula, OH 44004 | Maritime Domain Awareness & M&A | Kinder Morgan Pinney Dock Port Security | \$ 345,907.00 | \$0.00 | \$ 68,874.00 | 4 | Y | Y | 6.00 | 3.71 | 3.50 | 2.56 | 15.8 |
| 7 | West Shore Hazardous Materials | 40056 Bay Village, OH 44140 | IED and CBRNE Prevention, Protection, Response and Recovery Cap. | GFS-COOM UltraRadac Personal Radiation Dosimeter Remote Transmission System | \$ 30,000.00 | \$0.00 | \$ 30,000.00 | 5 | Y | Y | 5.44 | 3.50 | 3.00 | 3.56 | 15.5 |
| 5 | Rock and Roll Hall of Fame and Museum, Inc. | 1100 Rock and Roll Boulevard, Cleveland OH 44114 | IED and CBRNE Prevention, Protection, Response and Recovery Capabilities | Security Barrier at Rock Hall | \$ 97,980.00 | \$0.00 | \$ 97,980.00 | 6 | Y | Y | 4.13 | 3.86 | 3.71 | 3.75 | 15.5 |
| 3 | Cuyahoga County Coroner's Office | 11001 Cedar Avenue, Cleveland, OH 44106 | IED and CBRNE Prevention, Protection, Response and Recovery Cap. | Mass Fatality Incident Response | \$ 63,732.21 | \$0.00 | \$ 63,732.00 | 7 | Y | Y | 5.50 | 3.50 | 2.63 | 2.88 | 14.5 |
| 2 | The MetroHealth System | 2500 MetroHealth Drive, Cleveland, Ohio 44109 | Prevention, Protection, Response and Recovery Capabilities, Exercise and M&A | WMD Patient Surge and Management | \$ 216,280.00 | \$0.00 | \$ 52,000.00 | 8 | Y | Y | 4.50 | 2.38 | 2.00 | 2.00 | 10.9 |
| 8 | Euclid Hospital | 18901 Lakeshore Blvd., Euclid, OH 44119 | IED and CBRNE Prevention, Protection, Response and Recovery Cap. | Euclid Hospital Disaster Preparedness- CBRNE & Mass Casualty | \$ 20,000.00 | \$0.00 | \$ 12,500.00 | 9 | Y | Y | 3.56 | 2.13 | 1.75 | 3.11 | 10.6 |
| | | | | | \$ 1,401,807.75 | | \$ 952,995.00 | | | | | | | | |

Recommended COTP Ranking based on Total Score

No Match for FY2010

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0051

| | |
|--|---|
| Sponsored by: County Executive FitzGerald/ Department of Public Works | A Resolution authorizing the County Executive to prepare and enter into an amendment (Change Order No. 2) to Contract No. CE1000410-01 with The R.J. Platten Contracting Co. for construction of the Quincy Parking Lot in connection with the Cuyahoga County Juvenile Justice Center Project to approve pending Construction Change Directives; to increase the Unforeseen Conditions Cash Allowance amount from \$223,617.78 to \$391,335.90 \$350,402.13 and for additional funds in the amount of \$167,718.12 \$126,784.35 , and declaring the necessity that this Resolution become immediately effective. |
|--|---|

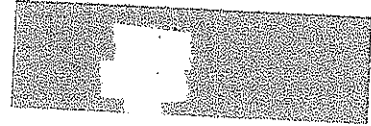
WHEREAS, the Department of Public Works/Department of Central Services has requested authority to prepare an amendment (Change Order No. 2) to Contract No. CE1000410-01 on RQ16523 with the R.J. Platten Contracting Co. for construction of the Quincy Parking Lot in connection with the Cuyahoga County Juvenile Justice Center; and,

WHEREAS, the amendment is to increase the amount of the Unforeseen Conditions Cash Allowance from \$223, 617.78 to ~~\$391,335.90~~ **\$350,402.13** and to increase the amount of the contract by ~~\$167,718.12~~ **\$126,784.35** for the Department of Public Works/Department of Central Services to add a pedestrian crosswalk signal and parking revenue equipment.

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

SECTION 1. That the County Executive ~~and the Director of the Department of Public Works~~ **is** authorized to prepare **and enter into** an amendment (Change Order No. 2) to Contract No. CE01000410-01 on RQ 16523 with the R.J. Platten Contracting Co. for construction of the Quincy Parking Lot in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforseen Cash Allowance amount from \$223,617.78 to ~~\$391,335.90~~ **\$350,402.13** and for additional funds in the amount of ~~\$167,718.12~~ **\$126,784.35**.

SECTION 2. It is necessary that this Resolution become immediately effective in order to continue the usual and daily operation of the County.



Item Details:

Agency/Dept. Name: Department of Central Services **Agency/Dept. Head Name:** Jay Ross
Type of Request: Contract/Amendment
Request Prepared by: Nick Willis **Telephone No.:** 443-6993

SUMMARY OF REQUESTED ACTION:

County Executive/Department of Public Works, submitting an amendment (Change Order No. 2) to Contract No. CE1000410-01 with The R.J. Platten Contracting Co. for construction of the Quincy Parking Lot in connection with the Cuyahoga County Juvenile Justice Center (JJC) Project; to increase the Unforeseen Conditions Cash Allowance amount from \$223,617.78 to \$350,402.13 and for additional funds in the amount of \$126,784.35.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

This change order is for Revenue-Generating Parking Equipment for the Quincy Parking Lot. The Quincy Lot is designated for visiting public, attorneys, etc, and for Court staff (Detention and Central Services staff will park in the Beckman Lot on E. 93rd). Visitors will be required to pay a daily rate, payable prior to exit. Equipment must be purchased to issue tickets upon entrance from Quincy Avenue, for the acceptance of payment prior to returning to one's car, and for accepting a "Paid" stub upon exiting the lot. Platten would purchase and install this County-designated equipment. Payout will be less than one year.

Principal Owners: Joseph R. Platten, Treasurer and Daniel J. Platten, Secretary

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

Other

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

Revenue-generating equipment addition

Financial Information:

| | |
|--|---|
| Funding source: Other | Explanation: Capital Projects Funding |
| Total Amount Requested: \$126,784.35 | |

ATTACHMENTS:

Click to download

- [W-9](#)
- [Change Order #2](#)
- [Exhibit A](#)
- [Plat](#)
- [DMA](#)
- [Campaign Contributions](#)
- [History Log](#)
- [Evaluation Form](#)
- [Principal Owners](#)
- [Electronic Signature](#)
- [Voucher](#)

History

| Time | Who | Approval |
|-------------------|-----------------------------------|----------|
| 4/4/2011 2:16 PM | Office of Procurement & Diversity | Yes |
| 4/7/2011 10:43 AM | Clerk of the Board | Yes |
| 4/8/2011 3:20 PM | County Auditor | Yes |
| | County Prosecutor Civil | |

[http://www.novusolutions.com/](#)

CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: The R.J. Platten Contracting Co.

Contract/Agreement No.: CE 1000410-01
(Amendment #2)

Time Period: None

Service Description: Construction of the Quincy Parking Lot in connection with
Cuyahoga County Juvenile Justice Center Project.

Original Contract/Agreement Amount: \$1,598,000.00.00

Prior Amendment(s) Amount(s): Amendment #1 - \$53,617.78

Performance Indicators: Adherence to specs & drawings, staffing, meeting schedule,
containing costs.

Actual performance versus performance indicators (include statistics): The R.J. Platten
Contracting Co. has been very responsive to changes required by Owner.

Rating of Overall Performance of Contractor (Check One):

- Superior
- Above Average
- Average
- Below Average
- Poor

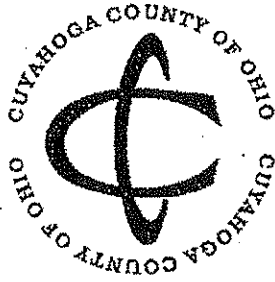
Justification of Rating: The R.J. Platten Contracting Co. has proven to be able to quickly
handle scope additions.



User Department

3-1-11

Date



MEMORANDUM

MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

| | |
|---------------------|-------------------|
| Vendor's Legal Name | JOSEPH R. PLATTEN |
| Primary Owner | 50% |
| Title | TREASURER |

| | |
|---------------------|-------------------|
| Vendor's Legal Name | DANIEL J. PLATTEN |
| Primary Owner | 50% |
| Title | SECRETARY |

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| Vendor's Legal Name | |
| Primary Owner | |
| Title | |

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| Vendor's Legal Name | |
| Primary Owner | |
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| Vendor's Legal Name | |
| Primary Owner | |
| Title | |

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0130

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|--|--|
| Sponsored by: County Executive FitzGerald/Office of Procurement & Diversity | A Resolution authorizing the County Executive to enter into a contract (No. CE1100162-01, 02, 03, 04) with Ports Petroleum Company, Inc. in the amount not-to-exceed \$633,375.00 for gasoline for various County facilities for the period 1/1/2011 – 12/31/2011, and declaring the necessity that this Resolution become immediately effective. |
|--|--|

WHEREAS, the County Executive/Procurement and Diversity has requested authorization to execute a contract with Ports Petroleum Company for the period January 1, 2011 through December 31, 2011 in an amount not-to-exceed \$633,375.00 for gasoline for various County facilities; and,

WHEREAS, the proposed contract was previously awarded by the former legislative authority of Cuyahoga County by Resolution No. 105050 after a competitive bidding process; and,

WHEREAS, Ports Petroleum Company, based in Wooster, Ohio, was the lowest bidder.

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

SECTION 1. The County Executive is hereby authorized to enter into Contract No. CE1100162-01,02,03,04 with Ports Petroleum Company, Inc. for the period January 1, 2011 through December 31, 2011 in the amount not-to-exceed \$633,375.00 for the provision of gasoline to various County facilities.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: March 22, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC002
April 26, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0138

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution declaring that public convenience and welfare requires resurfacing of Columbus Road from Center Street to West 25th Street in the City of Cleveland; total estimated construction cost \$2,054,000.00; authorizing the County Executive to enter into an agreement of cooperation with City of Cleveland in connection with said project; and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, the County Executive/Department of Public Works has recommended that public convenience and welfare requires the resurfacing of Columbus Road from Center Street to West 25th Street in the City of Cleveland with a total estimated construction cost \$2,054,000.00; and

WHEREAS, the City of Cleveland has requested the participation of the County with the resurfacing of Columbus Road from Center Road to W. 25th Street; and,

WHEREAS, the project entails 1) resurfacing the road, 2) removing and replacing all of the existing curbs, 3) removing and replacing all of the existing drive aprons and sidewalks impacted by the existing curb removal and replacement, 4) installing ADA compliant curb ramps at all intersections and existing cross walks and 5) performing pavement repairs as needed; and,

WHEREAS, the current financing plans are for the County to pay 80% of the construction costs and the City of Cleveland to pay 20% and no special assessments are to be levied or collected to pay for the improvement; and,

WHEREAS, the apportionment of estimated costs is as follows: design engineering - \$158,000.00, construction costs - \$1,896,000.00, total estimated costs - \$2,054,000.00; and,

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

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

SECTION 1. That public convenience and welfare requires the resurfacing of Columbus Road from Center Street to West 25th Street in the City of Cleveland.

SECTION 2. The County Executive is hereby authorized to enter into an agreement of cooperation with the City of Cleveland in connection with said project.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0139

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|---|---|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution accepting scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville as complete and in accordance with plans and specifications, and declaring the necessity that this Resolution become immediately effective. |
|---|---|

WHEREAS, the Department of Public Works has requested the scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville be accepted as complete and in accordance with plans and specifications; and

WHEREAS, the Department of Public Works/County Engineer has certified that project has been completed according to the plans and specifications; and

WHEREAS, the Department of Public Works/County Engineer confirmed that the final cost of the project was \$162,718.17, which was lower than the amount of the project estimate and the amount of the original contract with Perk Company, Inc., and

WHEREAS, the Department of Public Works has requested that the County Treasurer be authorized to release the escrow in the amount of \$7,192.00 plus any accrued interest upon notification from the County of Cuyahoga in accordance with ORC 153.63.

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

SECTION 1. The scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville is approved and is hereby accepted as being complete and in accordance with plans and specifications as required by Contract No. CE1000568-01 with Perk Company, Inc..

SECTION 2. The County Treasurer is hereby authorized to release the escrow in the amount of \$7,192.00 plus any accrued interest upon notification from the County of Cuyahoga in accordance with ORC 153.63.

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

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

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0140

| | |
|---|---|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution accepting repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township as complete and in accordance with plans and specifications, and declaring the necessity that this Resolution become immediately effective. |
|---|---|

WHEREAS, the Department of Public Works has requested that the repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township be accepted as complete and in accordance with plans and specifications; and

WHEREAS, the Department of Public Works/County Engineer has certified that project has been completed according to the plans and specifications; and

WHEREAS, the Department of Public Works/County Engineer confirmed that the final cost of the project was \$1,190,908.73, which was lower than the amount of the project estimate and the amount of the original contract with Burton Scot Contractors, LLC; and

WHEREAS, the Department of Public Works has requested that the County Treasurer be authorized to release the escrow in the amount of \$24,237.00 plus any accrued interest upon notification from the County of Cuyahoga in accordance with ORC 153.63.

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

SECTION 1. The repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township is approved and is hereby accepted as complete and in accordance with plans and specifications as required by Contract No. CE1000334-01 with Burton Scot Contractors, LLC.

SECTION 2. The County Treasurer is hereby authorized to release the escrow in the amount of \$24,237.00 plus any accrued interest upon notification from the County of Cuyahoga in accordance with ORC 153.63.

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

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

First Reading/Referred to Committee: April 12, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC002
April 26, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0141

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution accepting rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma as complete and in accordance with plans and specifications, and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, the Department of Public Works has requested that the rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma be accepted as complete and in accordance with plans and specifications; and

WHEREAS, the Department of Public Works/County Engineer has certified that project has been completed according to the plans and specifications; and

WHEREAS, the Department of Public Works/County Engineer confirmed that the final cost of the project was \$1,414,683.74, which was lower than the amount of the project estimate and the amount of the original contract with Perk Company, Inc.; and

WHEREAS, the Department of Public Works has requested that the County Treasurer be authorized to release the escrow in the amount of \$32,822.83 plus any accrued interest upon notification from the County of Cuyahoga in accordance with ORC 153.63.

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

SECTION 1. The rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma is approved and is hereby accepted as complete and in accordance with plans and specifications as required by Contract No. CE1000315-01 with Perk Company, Inc.

SECTION 2. The County Treasurer is hereby authorized to release the escrow in the amount of \$32,822.83 plus any accrued interest upon notification from the County of Cuyahoga in accordance with ORC 153.63.

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

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

First Reading/Referred to Committee: April 12, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC002
April 26, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0142

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing the County Executive to approve an additional settlement 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, and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, in 2009, the Board of Commissioners of Cuyahoga County filed an appropriation proceeding for the temporary taking of 1,262 sq. ft. from property owners David L. and Leslie H. Granoff, Cuyahoga County Probate Court, Case No. 2009 ADV 0151476, in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon; and

WHEREAS, the parcel and the taking was originally appraised on 11/24/08 at \$700.00, but the original value analysis failed to take into account the value of 14 sprinkler heads that would be taken as a result of the project. Using the value of \$150.00 per sprinkler head, a revised total amount due the owners was calculated to be \$2,800.00. This amount was offered to the property owners, but was rejected. Thereafter, the appropriation proceeding was filed, and the amount of \$2,800.00 (the fair market value of the taking) was deposited with the Probate Court; and

WHEREAS, during settlement negotiations, the property owners requested an additional \$400.00 in compensation for the taking of property. This amount was reviewed and deemed reasonable by the Department of Transportation's Real Estate Administrator and far exceeded the cost of proceeding with a jury trial; and

WHEREAS, an additional amount of \$400.00 would lend to a total amount of \$3,200.00 as full payment for the public right of way taking.

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

SECTION 1. That the County Executive is hereby authorized to pay an additional sum of \$400.00 in final settlement of the appropriation proceedings filed in Cuyahoga County Probate Court Case No. 2009 ADV 0151476 for the temporary taking of 1,262 sq. ft. from property owners David L. and Leslie H. Granoff, Cuyahoga County Probate Court, Case No. 2009 ADV 0151476, in connection with

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

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

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

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

Yeas:

Nays:

| | |
|-----------------------------------|---------------|
| _____ County Council President | _____ Date |
| _____ County Executive | _____ Date |
| _____ Clerk of Council | _____ Date |

First Reading/Referred to Committee: April 12, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC002
April 26, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0143

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing the County Executive to enter into an amendment to a Local Public Agency (LPA) Agreement with Ohio Department of Transportation for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township to change the funding arrangement and scope of services, effective 4/12/2011, and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, the Department of Public Works/County Engineer has submitted a request to amend a Local Public Agency (LPA) agreement between Cuyahoga County and the Ohio Department of Transportation for reimbursement of preliminary engineering services for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township changing the funding and scope of that agreement, effective 4/12/2011; and

WHEREAS, the original LPA agreement was approved by the Board of County Commissioners on September 6, 2007, Resolution No. 073705, and the requested amendment corresponds with simultaneously introduced legislation requesting authorization to amend a contract with TranSystems Corporation of Ohio for engineering services rendered on the Sterns Road project; and

WHEREAS, the original LPA agreement for this project included scope and fee for "Step 1 through Step 4, Prepare Environmental Clearance and Stage 1 Design," as the first phase; and

WHEREAS, the first phase environmental clearance has now been completed and the project needs to proceed into the second phase which includes the detailed design with the consultant; and

WHEREAS, this amendment will allow for completion of the design of the project including final roadway and bridge plans, right of way acquisition and construction support; and

WHEREAS, it is necessary that this Resolution become immediately effective because the project involves the utilization of federal funds and the project schedule must be maintained in accordance with funding deadlines. The schedule for phase 2 of this project is time critical as it includes detailed design and right of way acquisition.

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

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0144

| | |
|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0700690-01 with TranSystems Corporation of Ohio for consultant engineering services for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township to change the scope of services and the terms, effective 4/12/2011, and for additional funds in the amount of \$868,990.00, and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, the Department of Public Works/County Engineer has submitting a request for authorization to amend Contract No. CE0700690-01 with TranSystems Corporation of Ohio for consultant engineering services for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township to change the scope of services and the terms, effective 4/12/2011, and for additional funds in the amount of \$868,990.00; and

WHEREAS, the original LPA agreement for this project included scope and fee for "Step 1 through Step 4, Prepare Environmental Clearance and Stage 1 Design," as the first phase; and

WHEREAS, the first phase environmental clearance has now been completed and the project needs to proceed into the second phase which includes the detailed design with the consultant, TranSystems Corporation of Ohio; and

WHEREAS, this amendment will allow for completion of the design of the project including final roadway and bridge plans, right of way acquisition and construction support; and

WHEREAS, it is necessary that this Resolution become immediately effective because the project involves the utilization of federal funds and the project schedule must be maintained in accordance with funding deadlines. The schedule for phase 2 of this project is time critical as it includes detailed design and right of way acquisition.

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

SECTION 1. That the County Council hereby authorizes the County Executive to amend Contract No. CE0700690-01 with TranSystems Corporation of Ohio for consultant engineering services for the grade separation of Stearns Road at the

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0145

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| <p>Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer</p> | <p>A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE0900388-01 with C.T. Consultants, Inc. for general engineering services for the period 4/1/2009 - 3/31/2011 to extend the time period to 12/31/2011; no additional funds required; and declaring the necessity that this Resolution become immediately effective.</p> |
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WHEREAS, the Department of Public Works/ County Engineer has submitted a request for authorization to amend Contract No. CE0900388-01 with C.T. Consultants, Inc. for general engineering services for the period 4/1/2009 - 3/31/2011 to extend the time period to 12/31/2011; and

WHEREAS, Contract No. CE0900388-01 was awarded on 2/12/2009 in the amount not-to-exceed \$300,000.00 and the remaining balance is \$31,006.65. No additional funds are required with this amendment; and

WHEREAS, time extension is required to pay the remaining 10% of the Bradley Road/Nagle Road design task as the agreement with the consultant does not permit payment of the full fee until the project is bid; and

WHEREAS, the project is being bid by the City of Bay Village within the Spring of 2011; and

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

SECTION 1. That the County Executive is hereby authorized to amend Contract No. CE0900388-01 with C.T. Consultants, Inc. for general engineering services for the period 4/1/2009 - 3/31/2011 to extend the time period to 12/31/2011; without the necessity of additional funds.

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

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

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0146

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|---|--|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division | A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 1) to Contract No. CE1000349-01 with Terrace Construction Company, Inc. for the Sewer and Lateral Repair Program for various County sewer districts to change the scope of services, effective 4/12/2011; no additional funds required; and declaring the necessity that this Resolution become immediately effective. |
|---|--|

WHEREAS, the Department of Public Works/Sanitary Engineering Division requested approval of an amendment (Change Order No. 1) to Contract No. CE1000349-01 with Terrace Construction Company, Inc. for the Sewer and Lateral Repair Program for various County sewer districts changing the scope of services, effective 4/12/2011;

WHEREAS, this contract amendment is to change the contract language regarding pavement repair and specifications during winter weather conditions and does not necessitate any additional funds; and

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

SECTION 1. That the County Executive is hereby authorized to amend (Change Order No. 1) Contract No. CE1000349-01 with Terrace Construction Company, Inc. for the Sewer and Lateral Repair Program for various County sewer districts changing the scope of services, effective 4/12/2011; without the necessity of additional funds.

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

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

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0147

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|---|---|
| Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer | A Resolution authorizing an award on RQ19185 to Karvo Paving Company in the amount of \$2,233,539.49 for repair and resurfacing of Tiedeman Road from Brookpark Road to Memphis Avenue in the City of Brooklyn; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective. |
|---|---|

WHEREAS, the Department of Public Works has recommended an award to Karvo Paving Company in the amount of \$2,233,539.49 for the repair and resurfacing of Tiedeman Road from Brookpark Road to Memphis Avenue in the City of Brooklyn; and

WHEREAS, bids were received on February 23, 2011 and the engineer's estimate was \$3,035,000.00; and

WHEREAS, the Department of Public Works/County Engineer tabulated the extension of the unit bid prices submitted by each bidder and verified the accuracy of the total amounts and determined Karvo Paving Company to be the lowest and qualified bidder; and

WHEREAS, funding for the project is as follows: ODOT will provide 80% in federal funds to the Local Project Administrator (LPA) of the eligible costs, up to a maximum of \$4,000,000.00; the County will allocate 10% from the County Motor Vehicle \$5.00 License Tax Fund; and the City of Brooklyn will fund the remaining 10% of the cost.

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

SECTION 1. That the recommended award on RQ19185 for the repair and resurfacing of Tiedeman Road from Brookpark Road to Memphis Avenue in the City of Brooklyn is approved and the County Executive is hereby authorized to execute a contract with Karvo Paving Company in the amount of \$2,233,539.49.

SECTION 2. It is necessary that this Resolution become immediately effective to assure that road work can commence and conclude during the prime construction season. Otherwise, any delay in commencement of the repair and resurfacing early on may cause work into the winter months and result in significant cost increases due to adverse weather conditions. Provided that this Resolution receive the affirmative vote

of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

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

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

Yeas:

Nays:

| | |
|--------------------------|-------|
| _____ | _____ |
| County Council President | Date |
| _____ | _____ |
| County Executive | Date |
| _____ | _____ |
| Clerk of Council | Date |

First Reading/Referred to Committee: April 12, 2011
Committee Assigned: Public Works, Procurement & Contracting

Journal CC002
April 26, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0148

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| Sponsored by: County Executive FitzGerald/Department of Development | A Resolution authorizing a subgrant award to City of Euclid in the amount not-to-exceed \$150,000.00 for a project located at 23802 Lake Shore Boulevard, Euclid, in connection with the Brownfields Revolving Loan Fund Program for the period 8/1/2008 - 7/31/2013; authorizing the County Executive to execute all documents required in connection with said award; and declaring the necessity that this Resolution become immediately effective. |
|--|---|

WHEREAS, the Department of Development is recommending a subgrant award to City of Euclid in the amount not-to-exceed \$150,000.00 for a project located at 23802 Lake Shore Boulevard, Euclid, in connection with the Brownfield Revolving Loan Fund Program for the period 8/1/2008 - 7/31/2013; and,

WHEREAS, the Department of Development applied for and received a \$1,000,000.00 United States Environmental Protection Agency Brownfields Revolving Loan Fund (BRLF) grant (Resolution No. 082601); and,

WHEREAS, the funds are to be utilized for environmental cleanup activities, such as asbestos abatement, at eligible properties in Cuyahoga County; and,

WHEREAS, the City of Euclid acquired the former St. Robert Church campus, which was closed by the Cleveland Catholic Diocese in 2009, is located in a predominantly residential area, and consists of a church, school, rectory, convent and garages; and,

WHEREAS, during the environmental investigations prior to the City's acquisition, it was determined that asbestos containing building materials are present in the buildings and the City of Euclid is requesting financial assistance for the removal of said materials; and,

WHEREAS, removal of the asbestos containing materials is necessary so that the City of Euclid can redevelop the property to attract a commercial tenant and to utilize the property to connect neighborhoods to the lake via a proposed multi-purpose trail through the property.

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

SECTION 1. The Department of Development is hereby authorized to make a subgrant award to the City of Euclid in the amount not-to-exceed \$150,000.00 for a project located at 23802 Lake Shore Boulevard, Euclid, in connection with the Brownfield Revolving Loan Fund Program for the period 8/1/2008 - 7/31/2013 and the County Executive is authorized to execute all documents required in connection with said award.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 12, 2011
Committee Assigned: Economic Development & Planning

Journal CC002
April 26, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0149

| | |
|--|---|
| Sponsored by: County Executive FitzGerald/Department of Development | A Resolution authorizing a HOME Rental Rehabilitation loan in the amount not-to-exceed \$500,000.00 to Villa Serena, Inc. for the Villa Serena Senior Citizen Apartments Project, located at 6800 Mayfield Road, Mayfield Heights; authorizing the County Executive to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective. |
|--|---|

WHEREAS, the Department of Development is recommending that a loan in the amount of \$500,000 of federal Home Investments Partnerships Program (HOME) funds be made to Villa Serena, Inc., for a portion of the cost of weatherization work to be done from May 1, 2011 through September 30, 2011; and,

WHEREAS, Villa Serena is a nonprofit-owned senior citizen apartment building located in Mayfield Heights, Ohio whose tenants are lower-income retired persons; and,

WHEREAS, the building was constructed in the 1960's before modern energy efficiency standards had been established and a recent energy audit showed the need for window replacements, boiler replacements, energy efficient lighting installation, and water conservation through installation of more efficient plumbing fixtures; and,

WHEREAS, the former legislative authority of the Cuyahoga County authorized a loan of HOME funds in the amount of \$300,000.00 and due to increased costs, as determined by competitive bidding, a larger loan is needed; and,

WHEREAS, the Cuyahoga Housing Consortium Review Board approved the increased amount of \$500,000.00 at its regular meeting held on March 9, 2011; and,

WHEREAS, the proposed loan of federal HOME funds will provide a portion of the cost weatherize this 242 unit senior citizen apartment building and the balance will be paid from federal stimulus weatherization funds and from the building's reserve account; and,

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

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0150

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| Sponsored by: County Executive FitzGerald/Department of Development | A Resolution authorizing an award on RQ18962 to Lawler Construction in the amount of \$1,289,499.00 for heating unit replacement and associated energy conservation activities for the Villa Serena Apartments Project, located at 6800 Mayfield Road, Mayfield Heights, in connection with the Home Weatherization Assistance Program for the period 5/1/2011 - 9/30/2011; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective. |
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WHEREAS, the Department of Development is recommending an award on RQ 18962 to Lawler Construction in the amount of \$1,289,499.00 for heating unit replacement and associated energy conservation activities for the Villa Serena Apartments Project, located at 6800 Mayfield Road, Mayfield Heights, in connection with the Home Weatherization Assistance Program for the period 5/1/2011 - 9/30/2011; and,

WHEREAS, Villa Serena is a nonprofit-owned senior citizen apartment building located in Mayfield Heights, Ohio whose tenants are lower-income retired persons; and,

WHEREAS, the building was constructed in the 1960's before modern energy efficiency standards had been established and a recent energy audit showed the need for window replacements, boiler replacements, energy efficient lighting installation, and water conservation through installation of more efficient plumbing fixtures; and,

WHEREAS, the project cost was established by competitive bidding and represents the lowest of three bids from fully qualified contractors; and,

WHEREAS, the winning bidder is a local company headquartered in Mayfield Heights; and,

WHEREAS, because of its nonprofit ownership and lower-income tenant population, Villa Serena does not have large cash reserves or access to private bank financing to pay for energy efficiency repairs and renovations; and,

WHEREAS, federal stimulus funds, provided to Cuyahoga County through the Ohio Department of Development's Home Weatherization Assistance Program, paid for the energy audit and will pay for nearly all the contracted work, with, the nonprofit owner contributing approximately \$60,000; and,

WHEREAS, Cuyahoga County entered into a funding agreement to receive the federal stimulus weatherization funds paying for this and other weatherization projects countywide in May 2009 and the legal basis for this funding is the American Recovery and Reinvestment Act of 2009; and,

WHEREAS, rules for the weatherization program are set by the United States Department of Energy and Ohio Department of Development; Cuyahoga County has operated this program since 1989, and the Department of Development expects to continue to offer this federally funded program, serving approximately 500 low-income households each year, for the foreseeable future; and,

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

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

SECTION 1. The recommended award on RQ18962 to Lawler Construction in the amount of \$1,289,499.00 for heating unit replacement and associated energy conservation activities for the Villa Serena Apartments Project, located at 6800 Mayfield Road, Mayfield Heights, in connection with the Home Weatherization Assistance Program for the period 5/1/2011 - 9/30/2011 is hereby approved and the County Executive is authorized to enter into a contract with Lawler Construction for an amount not-to-exceed the award amount stated herein.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 12, 2011
Committee Assigned: Economic Development & Planning

Journal CC002
April 26, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

RESOLUTION NO. R2011-0152

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| <p>Sponsored by: County Executive FitzGerald/ Office of Budget & Management</p> | <p>A Resolution authorizing the issuance of notes in the maximum principal amount of \$10,400,000.00 in anticipation of Bonds for the purpose of refunding bond anticipation notes, the proceeds of which were originally to refund the County's \$10,150,000.00 Rock and Roll Hall of Fame Museum Project Notes, Series 2010, that were issued to pay the costs of acquiring, constructing and equipping a library and an archives facility for the Rock and Roll Hall of Fame and Museum and certain improvements and renovations to the Rock and Roll Hall of Fame Museum, and declaring the necessity that this Resolution become immediately effective.</p> |
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WHEREAS, the County has heretofore issued its \$10,000,000 Rock and Roll Hall of Fame and Museum Project Notes, Series 2009 for the purpose described in Section 1 hereof, which notes were stated to mature on May 13, 2010 (the "Original Notes");

WHEREAS, the County has heretofore issued its \$10,150,000 Rock and Roll Hall of Fame and Museum Project Notes, Series 2010 for the purpose of refunding the Original Notes and which notes are stated to mature on May 13, 2011 (the "Outstanding Notes");

WHEREAS, this County Council has determined to refund the Outstanding Notes with the proceeds of the Rock and Roll Hall of Fame and Museum Project Notes, Series 2011 (the "Notes") authorized in Section 3 of this resolution (the "Resolution") and additional funds available to the County and appropriated for the purpose; and

WHEREAS, the County has authorized the levy of a 1% sales and use tax pursuant to Section 5739.021 of the Ohio Revised Code by resolutions adopted by this County on March 10, 1969 and July 6, 1987 (the "County Sales Tax"); and

WHEREAS, this County Council has determined to issue the Notes in anticipation of the issuance of the Bonds referred to in Section 1 pursuant to Section 133.081 of the Ohio Revised Code (the "Act") secured by a pledge of, and the Debt

Service on which is payable from, receipts of the County Sales Tax received by the County (the "County Sales Tax Receipts"); and

WHEREAS, the Interim Fiscal Officer of this County (the "Fiscal Officer"), has certified to this County Council the County Sales Tax Receipts for the two preceding calendar years and that the estimated annual Debt Service on the Bonds (as defined below) and the Notes in any calendar year will not exceed the annual County Sales Tax Receipts averaged for those two preceding calendar years; and

WHEREAS, the Fiscal Officer, has certified to this County Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 2 is twenty years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is the last day of the fifth year following the year in which the Original Notes were issued;

BE IT RESOLVED by the County Council of the County of Cuyahoga, Ohio, that:

Section 1. Findings and Determinations. This County Council finds and determines the following matters (capitalized terms are defined in Section 14 hereof):

- (a) It is necessary for the County to issue the Bonds to pay the costs of the Project. It is necessary to issue the Notes in anticipation of the Bonds for the purpose of (1) refunding the Outstanding Notes, the proceeds of which were used to refund the Original Notes that were originally issued to pay the costs of acquiring, constructing and equipping a library and an archives facility for the Rock and Roll Hall of Fame and Museum located on the campus of Cuyahoga Community College and certain improvements and renovations to the Rock and Roll Hall of Fame Museum (the "Project") and (2) paying the Financing Costs of the Notes.
- (b) It is necessary to secure the Notes with a pledge of the County Sales Tax. This County Council, pursuant to the Act and the Charter of the County and based on the certification received from the Fiscal Officer referenced in the preambles hereto and the terms of the Bonds and the Notes set forth in this Resolution, hereby finds, determines, declares and certifies that the annual Debt Service on the Bonds and the Notes does not exceed the estimated annual County Sales Tax Receipts.
- (c) The Fiscal Officer has certified to this County Council the maximum maturity of the Bonds and Notes.
- (d) All acts and conditions necessary to be performed by the County or to have been met for the issuance of the Notes in order to make them legal, valid, and binding special obligations of the County, have been performed and met, or will have been performed and met, at the time of delivery of the Notes, as required by law.
- (e) No statutory or constitutional limitation of indebtedness or taxation will be affected by the issuance of the Notes.

(f) All formal actions of this County Council relating to the enactment of this Resolution were taken in an open meeting of this County Council, and all deliberations of this County Council and of any of its committees that resulted in those formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

Section 2. Bond Terms. The Bonds shall have the following terms:

(a) Amount, Rate and Term. The Bonds will be issued in the maximum principal amount of \$10,400,000 and will bear interest at the now estimated average annual interest rate of 5% per year, payable semi-annually until the principal amount is paid, and are estimated to mature in twenty (20) annual principal installments that are substantially equal.

(b) Debt Service. The Bonds will be payable as to Debt Service from the County Sales Tax Receipts and from such other available moneys that the County may lawfully elect to apply to that purpose, including, without limitation, payments received by the County from the Museum for the payment of Debt Service pursuant to the Cooperative Agreement.

Section 3. Note Terms. The Notes will have the following terms:

(a) Amount. The Notes shall be issued in the principal amount of \$10,400,000 or any lesser principal amount as determined by the County Executive in the Certificate of Award.

(b) Date. The Notes shall be dated the Closing Date, or any other date, not more than 31 days before the Closing Date, as determined by the County Executive in the Certificate of Award.

(c) Maturity. The Notes shall mature on December 31, 2015 or such earlier date as set forth in the Certificate of Award. The County Executive may, if he determines it to be in the best interests of the County, establish a different maturity date, less than one year from the Closing Date.

(d) Interest. The Notes shall bear interest from their date at a rate not to exceed 7% per annum, payable at maturity. Interest will be calculated on the basis of a 360-day year consisting of twelve, 30-day months. The rate of interest on the Notes shall be determined by the County Executive in the Certificate of Award.

(e) Redemption before Stated Maturity. The Notes will not be subject to optional redemption prior to maturity and will be subject to mandatory redemption, unless otherwise determined by the County Executive in the Certificate of Award, provided that the redemption premium on the Notes shall not exceed 103%.

(f) Form, Numbering and Denomination. The Notes shall be issued in fully registered form. They shall be issued in book-entry form unless the County Executive

determines in the Certificate of Award that it would not be in the best interest of the County for the Notes to be in book-entry form.

They shall be issued in Authorized Denominations and in the numbers and amounts as requested by the Purchaser and approved by the County Executive. They shall be numbered as determined by the County Executive in a manner to distinguish each Note from any other Note. They shall express on their faces the purpose for which they are issued and that they are issued in accordance with this Resolution. The Notes will be designated "Rock and Roll Hall of Fame and Museum Project Notes, Series 2011," unless otherwise designated in the Certificate of Award. Notwithstanding the use of the term "Notes" herein, the County Executive may determine to issue long-term bonds on the terms set forth herein.

Section 4. Payment. The Debt Service on the Notes shall be payable in lawful money of the United States of America, without deduction for the services of the Registrar as paying agent. Debt Service on the Notes will be payable when due upon presentation and surrender of the Notes at the office of the Registrar. The County Executive may select such other paying agent as he deems appropriate.

Section 5. Signing and Authentication of the Notes. The Notes shall be signed by the County Executive, in the name of the County and in his official capacity, which signature may be by facsimile.

No Note will be valid or obligatory for any purpose or will be entitled to any security or benefit under the Note Proceedings unless and until the certificate of authentication printed on the Note is signed by the Registrar as authenticating agent. Authentication by the Registrar will be conclusive evidence that the Note so authenticated has been duly issued, signed, and delivered under, and is entitled to the security and benefit of, the Note Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar and approved by the County Executive on behalf of the County. The same person need not sign the certificate of authentication on all of the Notes.

Section 6. Registration; Transfer and Exchange; book-entry system.

- (a) Registrar. So long as any of the Notes remain outstanding, the County shall cause the Registrar to maintain the Register. The person in whose name a Note is registered on the Register will be regarded as the absolute owner of that Note for all purposes of the Note Proceedings. Payment of the Debt Service on any Note will be made only to or upon the order of that person.
- (b) Transfer and Exchange. Any Note may be transferred or exchanged for Notes of any Authorized Denomination, as provided in the Registrar Agreement.
- (c) Book-Entry System. The County and the Registrar shall recognize and treat the Depository as the owner of the Notes for all purposes, including payment of Debt Service, redemption and other notices, and enforcement of remedies.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book-entry system or if the County determines to discontinue the book-entry system, the County Executive may attempt to establish a securities depository relationship with another qualified Depository. If the County Executive does not or is unable to do so, the County Executive shall direct the Registrar to make provision for notification of the book-entry interest owners by the Depository and to make any other arrangements necessary for the withdrawal of the Notes from the book-entry system.

Section 7. Sale of the Notes. The Notes are awarded and sold to PNC Bank, National Association (the "Purchaser"), in accordance with law and the provisions of this Resolution and the Purchase Agreement, if any, at a purchase price to be determined by the County Executive in the Certificate of Award. That purchase price shall not be less than 97% of the principal amount of the Notes, plus accrued interest on the Notes, if any, from their date to the Closing Date. The Notes shall be sold with and upon such other terms as are required or authorized by this Resolution to be specified in the Certificate of Award, in accordance with the law, the provisions of this Resolution, and the Purchase Agreement.

The County Executive is hereby authorized and directed to sign and deliver the Certificate of Award. The County Executive shall state in the Certificate of Award: the principal amount of the Notes, the interest rate on the Notes, the purchase price for the Notes, and any other terms required by this Resolution. The County Executive may state in the Certificate of Award: any changes in the date, the maturity date, the redemption provisions, and the designation of the Notes; and any other terms authorized by this Resolution, subject to the limitations stated in this Resolution.

The County Executive shall sign and deliver the Certificate of Award and shall cause the Notes to be prepared, signed, and delivered, together with a true transcript of proceedings of the issuance of the Notes, to The Purchaser upon payment of the purchase price.

Section 8. Financing Costs. The County retains the professional services and authorizes the payment of the Financing Costs for the Notes, as provided in this Section 8.

(a) **Bond Counsel.** The County retains the legal services of Roetzel & Andress, a Legal Professional Association, as bond counsel for the Notes. The legal services will be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and rendering legal opinions upon the delivery of the Notes. Bond counsel shall render those services to the County in an attorney-client relationship. Bond counsel shall be paid just and reasonable compensation for those legal services in accordance with its proposal and letter of engagement, in an amount not to exceed \$6,000.

(b) **Purchaser.** The County selects PNC Bank, National Association as the Purchaser for the Notes. The Purchaser shall purchase the Notes and be paid for its services in accordance with the Purchase Agreement.

(c) Registrar. The County retains the services of The Bank of New York Mellon Trust Company, N.A., or another bank or trust company as determined by the County Executive in the Certificate of Award, to act as Registrar for the Notes. The Registrar shall perform the services as bond registrar, authenticating agent, paying agent, and transfer agent for the Notes, as provided in this Resolution. The Registrar shall be paid for those services in accordance with the Registrar Agreement.

(d) Disclosure Document, Ratings and Insurance. If, in the judgment of the County Executive, the preparation and distribution of a preliminary disclosure document of the County relating to the Notes is in the best interest of and financially advantageous to the County, such a preliminary disclosure document is authorized to be distributed. The County Executive is authorized and directed to complete and sign, on behalf of the County and in his official capacity, a disclosure document, with such modifications, changes and supplements from the preliminary disclosure document as the County Executive shall approve or authorize. The County Executive is authorized, on behalf of the County and in his official capacity, to (i) determine, and to certify or otherwise represent, when the disclosure document is "deemed final" (except for permitted omissions) by the County as of its date or is a final disclosure document for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (ii) use and distribute, or authorize the use and distribution of, those disclosure documents and any supplements thereto in connection with the original issuance of the Notes, and (iii) complete and sign those disclosure documents as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those disclosure documents. If, in the judgment of the County Executive, the filing of an application for (1) a rating on the Notes by one or more nationally-recognized statistical rating organizations or (2) a policy of insurance to better assure the payment of principal of and interest on the Notes, is in the best interest of and financially advantageous to the County, the County Executive shall prepare and submit those applications and provide to each of those organizations or insurance companies the information required for the purpose. This County Council further authorizes the fees for those ratings and the premiums for the insurance to be included in Financing Costs authorized under Section 8(f) below.

(e) Limits on Authority of Service Providers. In rendering the services described above, as independent contractors, those service providers shall not exercise any administrative discretion on behalf of the County in the formulation of public policy; expenditure of public funds; enforcement of laws, rules and regulations of the State of Ohio, the County, or any other political subdivision; or the execution of public trusts.

(f) Payment of Financing Costs. This County Council authorizes and approves the expenditure of the amounts necessary to pay those Financing Costs specifically authorized above and all other necessary Financing Costs in connection with the issuance and sale of the Notes. Those Financing Costs may be paid by the Purchaser in accordance with the Purchase Agreement. To the extent they are not paid by the Purchaser, this County Council authorizes and directs the County Executive to provide for the payment of those Financing Costs from any funds lawfully available and appropriated for the purpose.

Section 9. Use of Note Proceeds. The proceeds from the sale of the Notes shall be deposited and used as provided in this Section 9.

(a) Any premium received on the sale of the Notes shall be deposited in the Bond Retirement Fund of the County and be used for the payment of interest on the Notes.

(b) To the extent that the Financing Costs of the Notes are not paid by the Purchaser in accordance with the Purchase Agreement and to the extent that the County Executive determines to pay those Financing Costs from the proceeds of the Notes, the Notes shall be used to pay those Financing Costs.

(c) The remainder of the proceeds shall be used to retire the Outstanding Notes.

Section 10. Security and Sources of Payment.

(a) The Notes will be special obligations of the County. This County Council pledges to the payment of Debt Service on the Notes:

(i) the County Sales Tax Receipts;

(ii) The proceeds to be received from the sale of any notes issued to refund or renew the Notes and of the Bonds in anticipation of which the Notes are issued; and

(iii) Any money remaining from the sale of the Outstanding Notes and the Notes not required for the payment of costs of the Project.

(b) The Debt Service on the Notes shall be paid at their maturity from any of the amounts set forth above pledged to their payment, or any other available funds that the County may lawfully elect to apply for their payment, including, without limitation, payments received by the County from the Museum for the payment of Debt Service pursuant to the Cooperative Agreement.

(c) The Notes and the Bonds are special obligations of the County, and Debt Service on the Notes, the Bonds and any other obligations hereafter issued pursuant to the Act is payable from the County Sales Tax Receipts, and such payment is secured by a pledge of and a lien on the County Sales Tax Receipts as provided by the Act and this Resolution. The County has heretofore levied and covenants that it shall continue to collect the County Sales Tax for so long as the Notes or the Bonds are outstanding and further covenants, subject and pursuant to the Act, to appropriate annually from the County Sales Tax Receipts such amounts as are necessary to meet such annual Debt Service on the Notes or the Bonds, taking into account other moneys available for that purpose. The County hereby covenants and agrees that, so long as the Notes or the Bonds are outstanding, it shall not suffer the repeal, amendment or any other change in this Resolution, or the County Sales Tax, that in any way adversely affects or impairs (a) the sufficiency of the County Sales Tax Receipts levied and collected or otherwise available for the payment of Debt Service on the Notes or the Bonds or (b) the pledge or the application of the County Sales Tax Receipts to the payment of Debt Service on the Notes or the Bonds.

(d) The Notes and the Bonds do not constitute a general obligation debt, or a pledge of the full faith and credit, of the State, the County, or any other political subdivision of the State, and the holders or owners of the Notes or the Bonds have no right to have taxes levied by the general assembly or property taxes levied by the taxing authority of any political subdivision of the State, including the taxing authority of the County, for the payment of Debt Service on the Notes or the Bonds. Nothing herein shall be construed as requiring the County to use or apply to the payment of Debt Service on the Notes or the Bonds any funds or revenues from any source other than County Sales Tax Receipts. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Notes or the Bonds, including, without limitation, payments received by the County from the Museum for the payment of Debt Service pursuant to the Cooperative Agreement.

(e) At or prior to such time as is needed, the portion of the County Sales Tax Receipts needed to pay Debt Service on the Notes or the Bonds shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal of and interest on the Notes or the Bonds, when and as the same fall due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes or the Bonds are appropriated for such purpose, the amount of such County Sales Tax Receipts shall be reduced by the amount of the revenues so available and appropriated from:

(i) Any payments to the County from the Museum (pursuant to the Cooperative Agreement) to advance Debt Service payments on the Notes.

(ii) Any surplus in the Bond Retirement Fund.

(iii) Proceeds received from the sale of the Bonds or any notes issued to refund or renew the Notes.

(iv) Any other money lawfully available to the County.

Section 11. Federal Tax Matters. The County covenants that it will take those actions required to maintain the Federal Tax Status on the Notes and that it will not take or permit to be taken any actions that would adversely affect that Federal Tax Status. Without limiting these covenants, the County specifically covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code, or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as a preference item under Section 57 of the Code.

Section 12. Signing and Delivery of Notes and Documents. This County Council authorizes the County Executive to sign and deliver the Notes in accordance with Section 5 of this Resolution.

(a) This County Council authorizes the County Executive to sign and deliver, on behalf of the County:

- (i) The Certificate of Award;
- (ii) The Purchase Agreement;
- (iii) The Registrar Agreement;
- (iv) Any agreements or letters of representation in connection with a book-entry system for the Notes;
- (v) Applications for and agreements in connection with obtaining a policy of municipal bond insurance for the Notes, if any; and
- (vi) Applications for and agreements in connection with obtaining one or more ratings for the Notes, if determined to be necessary by the Purchaser and the County Executive.

The Purchase Agreement and the Registrar Agreement shall be substantially in the form submitted to this Council at or prior to this meeting, with such changes as are necessary to reflect the terms and provisions of the Notes hereby authorized and as are not inconsistent with this Series Resolution and not substantially adverse to the County as may be approved by the officers executing the same on behalf of the County. In the absence of the County Executive, this County Council authorizes and directs the either the Fiscal Officer or the President of this County Council to sign and deliver any of those documents and certificates. In the absence of the Fiscal Officer and the President of the County Council, this County Council authorizes and directs any member of the County Council to sign and deliver any of those documents.

(b) This County Council authorizes and directs the Fiscal Officer to sign and deliver, on behalf of the County, in his capacity as fiscal officer of the County, any certificates in accordance with Section 5705.41, Revised Code, required for any of the agreements in connection with the Notes. In the absence of the Fiscal Officer, this

County Council authorizes and directs any deputy Fiscal Officer to sign and deliver those certificates.

(c) This County Council authorizes and directs the County Executive, the Fiscal Officer, the County Prosecuting Attorney, and any other County officials:

(i) to sign and deliver any certificates, instruments, and other documents that the official considers necessary or appropriate in connection with the issuance and sale of the Notes, and that are not inconsistent with this Resolution and the Certificate of Award; and

(ii) to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

Section 13. Certification to Fiscal Officer. This County Council directs the Clerk of this County Council to forward a certified copy of this Resolution and a copy of the Certificate of Award to the Fiscal Officer.

Section 14. Definitions. Words and terms are used in this Resolution with the following meanings:

"Authorized Denominations" means the denomination of \$100,000 or any integral multiple of \$1,000 in excess of \$100,000.

"Bonds" means the sales tax supported bonds in anticipation of the issuance of which, pursuant to the Act, the Notes are being issued.

"Certificate of Award" means the certificate authorized by Section 7 of this Resolution, setting forth the terms and other provisions of the Notes required or authorized by this Resolution.

"Closing Date" means the date of delivery of and payment for the Notes.

"Code" means the Internal Revenue Code of 1986, as amended. References to the Code and sections of the Code include applicable regulations (whether temporary or final) under the Code, and any amendments of, or successor provisions to, those sections or regulations.

"Cooperative Agreement" means the Cooperative Agreement dated as of February 26, 1993, as amended and restated by an Amendment and Restatement of Cooperative Agreement dated as of December 15, 2003, and a further amended by an First Amendment to Amendment and Restatement of Cooperative Agreement, dated as of April 1, 2009, all between the City of Cleveland, the County, the Port Authority, and the Museum, providing for the ownership, financing, refinancing, construction, maintenance, and operation of the Rock Hall as port authority educational and cultural facility in accordance with Section 307.671, Revised Code.

"County Executive" means the County Executive of Cuyahoga County.

"Debt Service" means all amounts due as principal of or interest on an issue of securities.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining a book-entry system to record ownership of book-entry interests in securities or the principal of and interest on securities, and to effect transfers of securities, in book-entry form and means initially the Depository Trust Company, New York, New York, a limited purpose trust company.

"Federal Tax Status" means the status of the interest on the Notes as excludable from gross income, for federal income tax purposes and not treated as an item of tax preference for purposes of the alternative minimum tax.

"Financing Costs" means any financing costs authorized to be paid by Section 133.01(K), Revised Code.

"Museum" means the Rock and Roll Hall of Fame and Museum, Inc., an Ohio non-profit corporation, operating the Rock Hall.

"Note Proceedings" means, collectively, this Resolution, the Certificate of Award, the Registrar Agreement, and the other proceedings of the County, including the Notes, that provide collectively for, among other things, the rights of holders and beneficial owners of the Notes.

"Purchase Agreement" means the Note Purchase Agreement between the County and the Purchaser, entered into in accordance with Section 7 of this Resolution.

"Register" means all books and records necessary for the registration, exchange, and transfer of the Notes.

"Registrar" means The Bank of New York Mellon Trust Company, N.A., or any successor registrar designated in accordance with the Registrar Agreement, or any other bank or trust company as designated by the County Executive in the Certificate of Award.

"Registrar Agreement" means the Note Registrar Agreement between the County and the Registrar, as supplemented, amended, or modified.

"Rock Hall" means the Rock and Roll Hall of Fame and Museum, a port authority educational and cultural facility, as improved by the Project.

Section 15. Effective Date. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue. Provided that this Resolution receives affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

BE IT FURTHER RESOLVED that the Clerk of Council be, and she is, hereby instructed to transmit a copy of this Resolution to Matthew Rubino, Interim Director, Office of Budget & Management and Joyce Dodrill, Assistant Prosecuting Attorney, County Prosecutor's Office.

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 CC002
April 26, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0159

| | |
|---|---|
| Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Employment & Family Services | A Resolution authorizing the County Executive to enter into an amendment to Agreement No. AG1000201-01 with Department of Workforce Development for operation of the Employment Connection One-Stop System, Career Centers and Work Experience Program for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012, to change the scope of services, effective 7/1/2011, and for additional funds in the amount of \$753,513.00, and declaring the necessity that this Resolution become immediately effective. |
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WHEREAS, the County Executive/Employment & Family Services, has recommended an amendment to Agreement No. AG1000201-01 with Department of Workforce Development for operation of the Employment Connection One-Stop System, Career Centers and the Work Experience Program for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012, to change the scope of services, effective 7/1/2011 and for additional funds in the amount of \$753,513.00; and,

WHEREAS, the purpose of the agreement with Workforce development is to implement a training and other workforce programs that support a variety of labor force development initiatives at decentralized locations; and,

WHEREAS, Workforce Development promotes job development, job placement, on-the-job training and occupational skills training services at the Employment Connection as well as the Mt. Pleasant, Southgate and Westshore Neighborhood Family Service Centers to support low wage earners and TANF eligible population.

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

SECTION 1. The County Executive is hereby authorized to enter into an amendment to Agreement No. AG1000201-01 with Workforce Development for operation of the Employment Connection One-Stop System, Career Centers and the Work Experience Program for the period 7/1/2010 - 6/30/2011 to extend the time period to 6/30/2012, to change the scope of services, effective 7/1/2011 and for additional funds in the amount of \$753,513.00.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0160

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| Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Employment & Family Services | A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000623-01 with LNE & Associates, LLP, for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 – 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$428,518.08, and declaring the necessity that this Resolution become immediately effective. |
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WHEREAS, the County Executive/Employment & Family Services, has recommended an amendment to Contract No. CE1000623-01 with LNE & Associates, LLP, for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 – 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$428,518.08; and,

WHEREAS, the purpose of the agreement is to enhance the job readiness, job search, job placement, and job retention services available participants by contracting with service providers who can offer effective programming.

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

SECTION 1. The County Executive is hereby authorized to enter into an amendment to Contract No. CE1000623-01 with LNE & Associates, LLP, for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 – 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$428,518.08.

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

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

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0161

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| Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Employment & Family Services | A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000592-01 with Towards Employment, Incorporated for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 – 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$436,617.15, and declaring the necessity that this Resolution become immediately effective. |
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WHEREAS, the County Executive/Employment & Family Services, has recommended an amendment to Contract No. CE1000592-01 with Towards Employment, Incorporated for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 – 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$436,617.15; and,

WHEREAS, the purpose of the agreement is to enhance the job readiness, job search, job placement, and job retention services available participants by contracting with service providers who can offer effective programming.

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

SECTION 1. The County Executive is hereby authorized to enter into an amendment to Contract No. CE1000592-01 with Towards Employment, Incorporated for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 – 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$436,617.15.

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

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0162

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| Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Employment & Family Services | A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1000593-01 with West Side Ecumenical Ministry for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 – 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$473,901.21, and declaring the necessity that this Resolution become immediately effective. |
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WHEREAS, the County Executive/Employment & Family Services, has recommended an amendment to Contract No. CE1000593-01 with West Side Ecumenical Ministry for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 – 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$473,901.21; and,

WHEREAS, the purpose of the agreement is to enhance the job readiness, job search, job placement, and job retention services available participants by contracting with service providers who can offer effective programming.

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

SECTION 1. The County Executive is hereby authorized to enter into an amendment to Contract No. CE1000593-01 with West Side Ecumenical Ministry for job readiness, search, placement and retention activities for Ohio Works First cash recipients for the period 7/1/2010 – 6/30/2011 to exercise an option to extend the time period to 6/30/2012 and for additional funds in the amount of \$473,901.21.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 12, 2011
Committee Assigned: Health, Human Services & Aging

Journal CC002
April 26, 2011