



AGENDA
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, SEPTEMBER 13, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. SILENT MEDITATION**
- 5. PUBLIC COMMENT RELATED TO AGENDA**
- 6. APPROVAL OF MINUTES**
 - a) August 29, 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) M2011-0045: A Motion amending Motion No. M2011-0001, which adopted the Schedule of Council Meetings for 2011, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

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

- a) M2011-0046: A Motion confirming the County Executive's appointment of individuals to serve on the Greater Cleveland Sports Commission, and declaring the necessity that this Motion become immediately effective.

- 1) The Honorable Charles Smith
- 2) Marc A. Sanchez, Esq.

Sponsor: Council President Connally

10. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING

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

Sponsors: Councilmembers Brady, Miller, Connally, Jones and Rogers

Committee Assignment and Chair: Finance & Budgeting – Miller

11. CONSIDERATION OF ORDINANCES OF COUNCIL FOR THIRD READING ADOPTION

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

Sponsors: Councilmembers Miller, Greenspan and Brady

- b) O2011-0036: An Ordinance establishing the procedure for a two-year budget, capital improvements and appropriations process with an annual update, and declaring the necessity that this Ordinance become immediately effective.

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

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

- a) R2011-0272: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

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

- b) R2011-0273: A Resolution authorizing the County Executive to enter into a contract with Cleveland Foodbank, Inc. and Hunger Network of Greater Cleveland in the amount not-to-exceed \$817,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries serving residents in need for the period 4/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

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

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

- a) R2011-0274: A Resolution _____ the report containing findings and recommendations of Fact-finder Richard P. Gortz regarding 2011 wage re-opener negotiations between the County and the Ohio Patrolmen's Benevolent Association, covering approximately 140 employees in the classification of Deputy at the Sheriff's Department, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/County Sheriff

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

- a) R2011-0275: A Resolution approving Right-of-Way plans as set forth in preliminary Right-of-Way Plat M-5010 for the reconfiguration of the Warrensville Center Road/Van Aken Boulevard/Chagrin Boulevard/Northfield Road intersection in the City of Shaker Heights and the Village of Highland Hills; authorizing the County Executive to acquire the necessary Right-of-Way; finding that special assessments will neither be

levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.

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

- b) R2011-0276: A Resolution authorizing a Neighborhood Stabilization Program II loan in the amount not-to-exceed \$1,900,000.00 to Circle East Townhomes, LLC, for a project located at 12501 Euclid Avenue, East Cleveland; authorizing the Department of Development Deputy Chief or Director to execute all documents required in connection with said loan on behalf of the County Executive; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

- c) R2011-0277: A Resolution authorizing awards on RQ20292 to various providers for group healthcare benefits for County employees and their eligible dependents, including medical and pharmacy benefit management services for the period 1/1/2012 - 12/31/2014; authorizing plan structures of the standard benefit plans as recommended by the Cuyahoga County Human Resource Commission; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective:

- 1) Medical Mutual, LLC, in the amount not-to-exceed \$92,093,992.00.
- 2) United HealthCare Insurance Company in the amount not-to-exceed \$94,194,221.00.
- 3) Kaiser Foundation Health Plan of Ohio in the amount not-to-exceed \$26,113,651.00.
- 4) Caremark PCS Health LLC Prescription Drug Plan in the amount not-to-exceed \$33,070,329.00.

Sponsor: County Executive FitzGerald/Department of Human Resources/Human Resource Commission

- d) R2011-0278: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period 1/1/2010 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective:

- 1) for additional funds:

- i) No. CE1000125-01 with Applewood Centers, Inc. in the amount not-to-exceed \$378,605.00.
- ii) No. CE1000128-01 with Carrington Youth Academy LLC in the amount not-to-exceed \$263,722.58.
- iii) No. CE1000130-01 with The Cleveland Christian Home Incorporated in the amount not-to-exceed \$44,405.71.

2) for a decrease:

- i) No. CE1000126-01 with Beech Brook in the amount of (\$255,168.12).
- ii) No. CE1000127-01 with Bellefaire Jewish Children's Bureau in the amount of (\$509,113.02).
- iii) No. CE1000129-01 with Catholic Charities Services Corporation dba Parmadale in the amount of (\$204,752.21).
- iv) No. CE1000131-01 with New Directions, Inc. in the amount of (\$267,020.00).
- v) No. CE1000132-01 with The Village Network in the amount of (\$133,993.64).

Sponsor: County Executive FitzGerald on behalf of Juvenile Court

- e) R2011-0279: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1100228-01 with AIDS Taskforce of Greater Cleveland, Inc. 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 to change the terms, effective 7/1/2011, and for additional funds in the amount of \$126,944.00; and declaring the necessity that this Resolution become immediately effective.

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

- f) R2011-0280: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1100239-01 with Cleveland Clinic Foundation 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 to change the terms, effective 7/1/2011; to change the scope of services, effective 9/1/2011; and for additional funds in the amount of \$230,220.50; and declaring the necessity that this Resolution become immediately effective.

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

- g) R2011-0281: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers 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 to make budget line item revisions and for additional funds, and declaring the necessity that this Resolution become immediately effective:

- 1) No. CE1100241-01 with MetroHealth Medical Center to change the scope of services, effective 3/1/2011, in the amount of \$477,273.00.
- 2) No. CE1100360-01 with Nueva Luz Urban Resource Center in the amount of \$97,977.00.
- 3) No. CE1100361-01 with The Free Medical Clinic of Greater Cleveland in the amount of \$228,005.00.

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

- h) R2011-0282: A Resolution authorizing an award on RQ18597 to Mercy Regional Medical Center in the amount of \$252,681.00 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

- i) R2011-0283: A Resolution authorizing an award on RQ18597 to University Hospitals of Cleveland in the amount of \$466,039.00 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

- j) R2011-0284: A Resolution authorizing the County Executive to enter into a contract with Starting Point in the amount not-to-exceed \$1,000,000.00 for administrative services for the Out-of-School Time Program for MyCom for the period 10/1/2011 - 9/30/2012, and declaring the necessity that this Resolution become immediately effective.

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

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

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

Sponsor: County Executive FitzGerald/Department of Development

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

Committee Assignment and Chair: Economic Development & Planning – Schron

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

- 1) Career Development and Placement Strategies Inc. in the amount of \$105,000.00.
- 2) Center for Families and Children in the amount of \$96,000.00.
- 3) Cuyahoga County District Board of Health in the amount of \$95,000.00.
- 4) Domestic Violence Center in the amount of \$95,000.00.
- 5) JDC Advertising in the amount of \$80,000.00.
- 6) The MetroHealth System in the amount of \$48,000.00.
- 7) Nueva Luz Urban Resource Center in the amount of \$45,000.00.

- 8) Passages Connecting Fathers and Sons, Inc. in the amount of \$105,000.00.
- 9) United Way of Greater Cleveland in the amount of \$14,000.00.
- 10) University Settlement, Incorporated in the amount of \$56,000.00.
- 11) Murtis Taylor Human Services System in the amount of \$66,000.00.
- 12) Cuyahoga County Office of Mediation in the amount of \$41,000.00.

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

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

- c) R2011-0260: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for placement services for the period 1/1/2011 - 9/30/2011 for additional funds, and declaring the necessity that this Resolution become immediately effective:
- 1) No. CE1100006-01 with Applewood Centers, Inc. in the amount of \$242,000.00.
 - 2) No. CE1100010-03 with Catholic Charities Services Corporation (Parmadale) in the amount of \$300,000.00.
 - 3) No. CE1100017-01 with House of New Hope in the amount not-to-exceed \$223,479.00.
 - 4) No. CE1100020-01 with Parenthesis Family Advocates, Incorporated in the amount not-to-exceed \$82,380.00.
 - 5) No. CE1100016-01 with The Twelve of Ohio, Inc. in the amount not-to-exceed \$249,362.00.

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

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

- d) R2011-0261: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for placement services for the period 1/1/2011 - 9/30/2011 for additional funds, and declaring the necessity that this Resolution become immediately effective:

- 1) No. CE1100001-01 with Alliance Human Services, Inc. in the amount of \$405,000.00.
- 2) No. CE1100023-01 with National Youth Advocate Program, Inc. in the amount of \$550,000.00.
- 3) No. CE1100012-01 with Options for Families and Youth in the amount of \$275,000.00.
- 4) No. CE1100025-01 with START: Support To At-Risk Teens in the amount of \$465,000.00.
- 5) No. CE1100015-01 with The Bair Foundation in the amount of \$341,846.00.

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

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

- e) R2011-0264: A Resolution amending Resolution No. R2011-0234 dated 7/26/2011, which authorized an award on RQ19343 to First Energy Solutions for the purchase of electric utility services for County-owned facilities, by changing the time period from 6/1/2011 - 5/31/2012 to 10/1/2011 - 9/30/2013 and by changing the amount from \$5,500,000.00 to the amount not-to-exceed \$5,500,000.00 per year; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

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

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

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

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

Sponsor: County Executive FitzGerald/Department of Justice Affairs

Committee Assignment and Chair: Public Safety – Gallagher

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

Sponsor: County Executive FitzGerald/Department of Justice Affairs

Committee Assignment and Chair: Public Safety – Gallagher

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

- a) O2011-0045: An Ordinance establishing divisions and sections within the Department of Health and Human Services, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Health and Human Services and Councilmember Brady

- b) O2011-0046: An Ordinance approving an amendment to the Cuyahoga County Purchasing Policy and Procedure Manual, effective 10/1/2011; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

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

- a) O2011-0037: An Ordinance establishing the Department of Public Safety and Justice Services, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald

Committee Assignments and Chairs: Justice Affairs – Simon and Public Safety – Gallagher

- b) O2011-0044: An Ordinance amending Ordinance No. O2011-0014, as amended in Ordinance Nos. O2011-0030 and O2011-0033, which enacted a Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Miller and Jones

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

18. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING AND REFERRAL TO COMMITTEE

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

Sponsors: County Executive FitzGerald/Human Resource Commission

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

19. COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES FOR THIRD READING ADOPTION

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

Sponsors: County Executive FitzGerald/Human Resource Commission

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

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

Sponsor: County Executive FitzGerald/Human Resource Commission

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

20. MISCELLANEOUS COMMITTEE REPORTS

21. MISCELLANEOUS BUSINESS

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

22. PUBLIC COMMENT UNRELATED TO AGENDA

23. ADJOURNMENT

NEXT MEETINGS

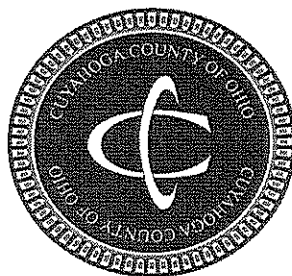
WORK SESSION:

TUESDAY, SEPTEMBER 27, 2011
4:00 PM / COUNCIL CHAMBERS

REGULAR MEETING:

TUESDAY, SEPTEMBER 27, 2011
6:00 PM / COUNCIL CHAMBERS

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



MINUTES

**CUYAHOGA COUNTY COUNCIL SPECIAL MEETING
MONDAY, AUGUST 29, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
4:00 PM**

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 4:00 p.m.

2. ROLL CALL

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

A motion was then made by Council President Connally, seconded by Mr. Germana and approved by unanimous vote to excuse Mr. Schron from the meeting due to business-related reasons.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. SILENT MEDITATION

Council President Connally requested that a moment of silent meditation be dedicated to the victims of Hurricane Irene as well as to the first responders who are assisting in the rescue efforts.

5. PUBLIC COMMENT RELATED TO AGENDA

No public comments were given.

6. APPROVAL OF MINUTES

- a) August 23, 2011 Regular Meeting

A motion was made by Ms. Conwell, seconded by Mr. Brady and approved by unanimous vote to approve the minutes of the August 23, 2011 meeting.

7. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald reported the following:

- a) Attended the final mediation session between the Northeast Ohio Regional Sewer District and suburban mayors. An agreement was not reached; therefore, the matter will go to trial, which is scheduled for October 31, 2011;**
- b) Thanked Council for their expeditious review and consideration of Mr. Richard Sensenbrenner's nomination as County Treasurer.**

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

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion No. M2011-0044.

- a) M2011-0044: A Motion confirming the County Executive's appointment of Richard W. Sensenbrenner upon his taking the oath of office as the Treasurer of Cuyahoga County, and declaring the necessity that this Motion become immediately effective.

Sponsor: Council President Connally

Committee Assignment and Chair: Committee of the Whole – Connally

On a motion by Mr. Rogers with a second by Ms. Simon, Motion No. M2011-0044 was considered and approved by unanimous vote.

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

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution Nos. R2011-0268, R2011-0269, R2011-0270 and R2011-0271.

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

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

On a motion by Ms. Simon with a second by Mr. Greenspan, Resolution No. R2011-0268 was considered and adopted by unanimous vote.

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

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

On a motion by Mr. Germana with a second by Ms. Simon, Resolution No. R2011-0269 was considered and adopted by unanimous vote.

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

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

County Executive FitzGerald stated that he was in receipt of a letter from Ohio Auditor of State David Yost and requested a brief recess by Council in order to review the letter with the Law Director. A recess was then taken by Council from 4:45 p.m. to 5:03 p.m.

Mr. Greenspan offered a written amendment on the floor. A motion was then made by Mr. Greenspan and seconded by Mr. Gallagher to amend Section 2.2 to state, *"The County shall provide a self-addressed return envelope with the application addressed to the Cuyahoga County Board of Elections."* Discussion ensued. The motion failed on a vote of 3 yeas and 7 nays with Councilmembers Greenspan, Gallagher and Germana voting in the affirmative and Councilmembers Miller, Brady, Conwell, Jones, Rogers, Simon and Connally casting dissenting votes.

Mr. Majeed Makhlof, Director of Law, offered an amendment on the floor to state the following:

WHEREAS, the Ohio Secretary of State and the Ohio Attorney General argued in the Vanzant v. Brunner case, U.S.

District Court for the Southern District of Ohio Case No. 1:10-cv-596, that urban counties have a compelling public interest to mail applications for voting by mail to their citizens with postage-prepaid return envelopes; and,

WHEREAS, the Ohio Secretary of State and the Ohio Attorney General argued in the Vanzant case that such practice was constitutional and did not violate equal protection or due process; and,

WHEREAS, U.S. District Court Chief Judge Susan J. Dlott of the U.S. District Court for the Southern District of Ohio agreed with the State and denied entry of a temporary restraining order in the Vanzant case based on equal protection and due process claims; and,

WHEREAS, this Council relies on the State's argument and the U.S. District Judge Dlott's opinion in the Vanzant case in taking this action today and adopting this Resolution; and,

On a motion by Ms. Simon with a second by Ms. Conwell, the amendment as read into the record was unanimously approved.

On a motion by Mr. Rogers with a second by Ms. Simon, Resolution No. R2011-0270, as amended, was considered and adopted by unanimous vote.

- d) R2011-0271: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Office of Budget & Management

On a motion by Ms. Conwell with a second by Mr. Brady, Resolution No. R2011-0271 was considered and adopted by majority vote, with Mr. Greenspan casting a dissenting vote.

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

A motion was made by Ms. Simon, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rule 9D and to refer Ordinance No. O2011-0044 to committee.

- a) O2011-0044: An Ordinance amending Ordinance No. O2011-0014, as amended in Ordinance Nos. O2011-0030 and O2011-0033, which enacted a Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald and Councilmembers Miller and Jones

Council President Connally referred Ordinance No. O2011-0044 to the Public Works, Procurement & Contracting Committee.

11. MISCELLANEOUS COMMITTEE REPORTS

Mr. Germana reported that he will be hosting a forum with the Northeast Ohio City Council Association on Thursday, September 15, 2011 at 7:00 p.m. Public participation is encouraged.

12. MISCELLANEOUS BUSINESS

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

Mr. Marcus Glover was unable to attend the meeting. A meeting will be scheduled with members of Council at a later date.

Council President Connally stated that the Cleveland Orchestra will perform a free outdoor concert to commemorate the 10th anniversary of the September 11th attacks on Sunday, September 11, 2011 at 2:30 p.m. at Public Square.

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. Miller with a second by Ms. Simon, the meeting was adjourned at 5:35 p.m., without objection.

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0045

SPONSORED BY: COUNCIL PRESIDENT CONNALLY

A Motion amending Motion No. M2011-0001, which adopted the Schedule of Council Meetings for 2011, and declaring the necessity that this Motion become immediately effective.

WHEREAS, Rule 5C of the Cuyahoga County Rules of Council states that the Council may change the date, time, or place of any Regular Council Meeting or cancel any Regular Council Meeting, with proper notice; and,

WHEREAS, Council wishes to make various changes to the Schedule of Council Meetings for 2011; and,

WHEREAS, 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.

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

SECTION 1. The Council of Cuyahoga County, Ohio, hereby amends the Schedule of Council Meetings for 2011, by changing the November 22, 2011 regular meeting to Tuesday, December 6, 2011 at 6:00 p.m. in the Council Chambers-Justice Center and by cancelling the December 27, 2011 meeting.

SECTION 2. Provided that this Motion receives the affirmative vote of at least eight (8) of the members of Council, it shall take effect immediately upon adoption by Council. It is hereby determined to be necessary that this Motion become immediately effective so that the usual and daily operations of county government may continue to function.

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

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

Yeas:

Nays:

County Council President Date

Clerk of Council Date

Journal CC003
September 13, 2011

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0046

Sponsored by: Council President Connally

A Motion confirming the County Executive's appointment of individuals to serve on the Greater Cleveland Sports Commission, and declaring the necessity that this Motion become immediately effective.

WHEREAS, Chapter 4503.591(I)(2) of the Ohio Revised Code provides for the organization of a nonprofit Sports Commission; and,

WHEREAS, ORC 4503.591(I)(2) provides for the function of the Sports Commission which is to attract, promote, or sponsor sports and athletic events within a municipal corporation, county, or township; and,

WHEREAS, ORC 4503.591(I)(2) further provides that the commission shall consist of twenty-one members; seven members shall be appointed by the mayor of the largest city to be served by the commission, and seven members shall be appointed by the board of county commissioners of the county to be served by the commission; and,

WHEREAS, a full term on the Greater Cleveland Sports Commission lasts three years, and currently there exists two vacant positions; and,

WHEREAS, Charles Smith, Mayor of Woodmere Village, is a former major league pitcher and will be an excellent addition to this body; and,

WHEREAS, Marc A. Sanchez, Esq. is a partner at the law firm of Frantz Ward, LLP and serves on numerous philanthropic bodies; and,

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

WHEREAS, the County Executive has nominated Charles Smith, Mayor of Woodmere Village to serve on the Greater Cleveland Sports Commission to fulfill a vacant post which will expire December 31, 2011; and,

WHEREAS, the County Executive has nominated Marc A. Sanchez, Esq. to serve on the Greater Cleveland Sports Commission to fulfill a vacant post which will expire December 31, 2012; 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 Board.

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

SECTION 1. The Council of Cuyahoga County hereby confirms the appointment of Charles Smith, Mayor of Woodmere Village to serve on the Greater Cleveland Sports Commission to fulfill a three year term commencing on the date of Council confirmation of the appointment.

SECTION 2. The Council of Cuyahoga County hereby confirms the appointment of Marc A. Sanchez, Esq. to serve on the Greater Cleveland Sports Commission to fulfill a three year term commencing on the date of Council confirmation of the appointment.

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

SECTION 4. 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:
Committee(s) Assigned:

Journal _____
_____, 2011



EDWARD FITZGERALD
Cuyahoga County Executive

August 15, 2011

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

Re: Greater Cleveland Sports Commission

Dear President Connally:

Pursuant to Ohio Revised Code Section 4503.591((I)(2), I am proud to nominate the following individuals to serve on the Greater Cleveland Sports Commission:

- **Charles Smith, Mayor of Woodmere Village**
- **Marc A. Sanchez, Esq.**

While a full term on this Commission lasts three years, each of the individuals nominated herein will be filling vacant positions. If confirmed, Mayor Smith's term will expire on December 31, 2011 and Mr. Sanchez's will expire on December 31, 2012.

In addition to serving as Mayor of Woodmere Village, Mr. Smith is a former major league pitcher and will be an excellent addition to this body. Mr. Sanchez is a partner at the law firm of Frantz and Ward and serves on numerous philanthropic bodies. They will be strong additions to this Commission.

Should you or any of your colleagues have any questions, please feel free to contact Special Assistant Jim Boyle at 216-698-2089.

I thank you for your assistance and cooperation in this matter.

Sincerely,

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

Edward FitzGerald
Cuyahoga County Executive

cc: Yvonne Conwell, County Councilwoman
David Gilbert
Mayor Charles Smith
Marc Sanchez, Esq.

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0041

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. Open Meeting Determination. It is found and determined that all formal actions of this Council meeting and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: August 23, 2011

Committee(s) Assigned: Finance & Budgeting

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0013

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

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

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

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

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

PUBLIC MEETINGS POLICY OF CUYAHOGA COUNTY, OHIO

ARTICLE 1: Definition of Public Body

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

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

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

ARTICLE 3: Public Participation

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

Section 3.2: Procedure for Public Comment

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

Section 3.3: Decorum at Public Meetings

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

Section 3.4: Wireless Communication Devices

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

Section 3.5: Filming, Taping, and Recording of Meetings

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

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

ARTICLE 4: Preparation of Pamphlet Describing Public Meeting Process

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

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

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

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

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

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: February 22, 2011
Committee Assigned: Rules, Charter Review, Ethics & Council Operations

Second Reading: August 23, 2011

Journal CC003
September 13, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0036

Sponsored by: Councilmembers Miller, Schron, Conwell, Brady, Gallagher, Germana, Greenspan, Rogers, Jones, Simon and Connally	An Ordinance establishing the procedure for a two-year budget, capital improvements and appropriations process with an annual update, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article 2, Section 3, Subsections 9 and 10 of the Cuyahoga County Charter directs the County Executive to submit to the Council prior to the beginning of each fiscal year, a proposed operating budget and a capital improvements program for the upcoming fiscal year; and

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

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

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

Article 1: County Executive Authority

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

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

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

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

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

Section 2.3. This Ordinance shall not alter any obligation placed on any County agency, department, board or commission by the Ohio Revised Code relative to submittal of its budget in a manner than differs from the process described in this Ordinance.

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

Section 3.1. The County Council shall review, amend as needed, and adopt the biennial operating budget and capital improvements program and make all necessary appropriations not later than December 15th of each odd-numbered year.

Section 3.2. The County Council shall review, amend as needed, and adopt the annual update of the biennial operating budget and capital improvements program and make any necessary revisions to the appropriations for the upcoming fiscal year not later than December 15th of each even-numbered year.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011

Committee(s) Assigned: Finance & Budgeting

Additional Sponsorship Requested on the Floor: August 9, 2011

Second Reading: August 23, 2011

Amended on the Floor: August 23, 2011

Journal CC003

September 13, 2011

K.	20A807 – EC-Invest In Children		BA1100710
	EC451419 – Early Intervention		
	Other Expenses	\$	1,205,584.00

Funding Source: Ohio Department of Health.

L.	21A051 – Northern Border Maritime Awareness		BA1100748
	SH350033 – Northern Border Maritime Awareness		
	Other Expenses	\$	1,751.32
	Capital Outlays	\$	125,057.68

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

M.	61A608 – Central Security Service-Sheriff		BA1100749
	SH352005 – Building Security Service		
	Personal Services	\$	1,100,000.00
	Other Expenses	\$	35,000.00

Funding Source: The internal service fund which derives revenues from charges to county departments which utilize the services of security for the buildings. (See attached OBM Review Document.)

N.	01A001 – General Fund		BA1100750
	AE511451 – Board & Care of Prisoners		
	Other Expenses	\$	(\$1,135,000.00)

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

O.	01A001 - General Fund		BA1100756
	IG030411 - Inspector General		
	Other Expenses	\$	149,690.00

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

P.	01A001 - General Fund		BA1100762
	JC375055 – Juvenile Court – Child Support		
	Personal Services	\$	(131,063.00)

Funding Source: General Fund.

Q.	01A001 – General Fund		BA1100772
	DR495515 – Domestic Relations Bureau of Support		
	Personal Services	\$	12,125.00
	Capital Outlays	\$	26,250.00

Funding Source: Funding is from the General Fund from a corresponding decrease in Juvenile Court.

R.	01A001 – General Fund		BA1100773
	DR391052 – Domestic Relations Court		
	Personal Services	\$	4,441.00
	Capital Outlays	\$	4,750.00

Funding Source: Funding is from the General Fund from a corresponding decrease in Juvenile Court.

S.	20A823 – Juv. Ct. Youth & Family Comm. Partnshp.		BA1100765
	JC108092– Youth and Family Community Parntnership		
	Other Expenses	\$	(683,131.70)

Funding Source: Health and Human Services Levy Fund.

T.	20A811 – Juv. Ct. Detention & Probation Svcs.		BA1100766
	JC107516 – Juvenile Court Probation Services		
	Other Expenses	\$	683,131.70

Funding Source: Health and Human Services Levy Fund.

U.	01A001 – General Fund		BA1100768
	AE511451 – Board & Care of Prisoners		
	Other Expenses	\$	(\$400,000.00)

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

V.	50A410 – Cuyahoga Regional Information System		BA1100769
	JA090068 – Justice Affairs-Cuyahoga Regional Information System		
	Other Expenses	\$	400,000.00

Funding Sources: From user fees and fees assessed on traffic violations within the County. (See attached OBM Review Document.)

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:	
	21A359 – Internet Crimes Against Children	BA1100747
	PR764860 – Internet Crimes Against Children FY09	
	Capital Outlays	\$ 30,000.00
	TO:	
	21A359 – Internet Crimes Against Children	
	PR764860 – Internet Crimes Against Children FY09	
	Other Expenses	\$ 30,000.00

Funding Source: United States Department of Justice, Office of Justice Programs, National Institute of Justice.

B. FROM: 01A001 – General Fund **BA1100761**
 CC013052 – Office of Budget & Management
 Personal Services \$ 152,450.00
 Other Expenses \$ 5,000.00

01A001 – General Fund
 CT577106 – Risk & Property Management
 Other Expenses \$ 75,000.00

01A001 – General Fund
 CC011106 – County Administrator
 Other Expenses \$ 7,550.00

01A001 – General Fund
 CC011213 – Clerk of the Board
 Personal Services \$ 47,353.00

TO: 01A001 – General Fund
 EX016006 – County Executive
 Personal Services \$ 277,353.00
 Other Expenses \$ 10,000.00

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

C. FROM: 20A811 – Juvenile Court Detention & Probation Svcs. **BA1100764**
 JC107532 – Juvenile Court Legal Services
 Other Expenses \$ 150,000.00

TO: 20A811 – Juvenile Court Detention & Probation Svcs
 JC107516 – Juvenile Court Probation Services
 Other Expenses \$ 150,000.00

Funding Source: Health and Human Services Levy Fund.

D. FROM: 21A526 – JAIBG Block Grant **BA1100732**
 JA752477 – JAIBG Block Grant 2010
 Other Expenses \$ 2,590.00

TO: 21A526 – JAIBG Block Grant
 JA752477 – JAIBG Block Grant 2010
 Capital Outlay \$ 2,590.00

Funding Source: U.S. Department of Justice.

E. FROM: 50A410 – Cuyahoga Regional Information System **BA1100733**
 JA090068 – Cuyahoga Regional Information System
 Other Expenses \$ 6,100.00

TO: 50A410 – Cuyahoga Regional Information System
 JA090068 – Cuyahoga Regional Information System
 Capital Outlay \$ 6,100.00

Funding Source: From user fees and fees assessed on traffic violations within the County.

F. FROM: 21A764 – Interoperable Emergency Communications **BA1100746**
JA752584 – Interoperable Emergency Communications CY2010
Personal Services \$ 3,745.49
Capital Outlay \$ 8.65

TO: 21A764 – Interoperable Emergency Communications
JA752584 – Interoperable Emergency Communications CY2010
Other Expenses \$ 3,754.14

Funding Source: U.S. Department of Homeland Security, Emergency Management.

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

<u>Fund Nos. /Budget Accounts</u>	<u>Journal Nos.</u>
A. FROM: 29A391 – Healthy and Human Services Levy 4.8 SU514273 – CSEA HHS 4.8 Mil Subsidy Transfer Out \$ 1,200,000.00	JT1100212
TO: 20A600 – Cuyahoga Support Enforcement Agency SE496000 – Cuyahoga Support Enforcement Agency Revenue Transfer \$ 1,200,000.00	

Funding Source: Health & Human Services Levy Fund.

B1. FROM: 29A390 – Health and Human Services Levy 2.9 SU513986 – Employment and Family Subsidy 2.9 Transfer Out \$ 171,970.96	JT1100093
TO: 24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer \$ 171,970.96	
B2. FROM: 29A390 – Health and Human Services Levy 2.9 SU513986 – Employment and Family Subsidy 2.9 Transfer Out \$ 66,510.74	
TO: 24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer \$ 66,510.74	
B3. FROM: 29A391 – Health and Human Services Levy 4.9 SU514430 – Employment and Family Subsidy 4.9 Transfer Out \$ 280,584.20	

	TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$	280,584.20
B4.	FROM:	29A391 – Health and Human Services Levy 4.9 SU514430 – Employment and Family Subsidy 4.9 Transfer Out	\$	108,517.52
	TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$	108,517.52

Funding Source: Health and Human Services Levy Fund.

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

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

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

Yeas:

Nays:

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

September 6, 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 September 13, 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
Development – To cover a refund of an overpayment on a loan. Funding is from the General Fund.	\$632.24
Office of Health & Human Services – An increase in appropriation to the Fatherhood Initiative to cover contracts. Funding is from the Health & Human Services Levy Fund.	\$700,000.00
Prisoner Board & Care – A decrease in appropriation to offset an increase to the Sheriff's Building Security Services to cover overtime and other expenses. Funding is from the General Fund.	-\$1,135,000.00
Inspector General – An increase in appropriation to cover controlled and other operating expenses which were not included in the initial budget. Funding is from the General Fund.	\$149,690.00
Juvenile Court – A decrease in appropriation in the Child Support division to reflect an Ohio Supreme Court decision which stated that Domestic Relations Court has jurisdiction over Uniform Interstate Family Support Cases. The appropriation covered a magistrate and clerk for this purpose. Funding is from the General Fund.	-\$131,063.00
Domestic Relations Court – Additional appropriations to cover personal services in the Bureau of Support and to cover an increased rate for a psychologist with expanded requirements in the Court division. Funding is from the General Fund with a corresponding decrease from Juvenile Court.	\$47,566.00
Juvenile Court – A decrease in the Youth & Family Community Partnership program and a corresponding increase in the Court Probation Services to cover increased placement costs (\$683,131.70). The funding source the Health and Human Services Levy Fund.	\$0.00
Board & Care of Prisoners – A decrease in appropriation to offset an increase in Justice Services' Cuyahoga Regional Information System account to allow the expansion and enhancement of the system. Funding is from the General Fund.	-\$400,000.00
TOTAL	(\$768,174.76)

Other Operating Funds	Amount
Sheriff – An additional appropriation is needed to cover overtime expenses and other operating expenses for the Building Security Services. Funding is from charges to user agencies.	\$1,135,000.00
Justice Services – An increase in appropriation to expand and enhance the Cuyahoga Regional Information System. Funding is from a subsidy of General Fund dollars.	\$400,000.00
TOTAL	\$1,535,000.00

Grants/Projects	Amount
Capital Projects Fund – To appropriate funds for the Jail I Kitchen Replacement in the Justice Center. Funding is from a future debt issuance.	\$1,000,000.00
Capital Projects Fund – To appropriate a grant from the Federal Aviation Administration for the reconstruction of Apron A1 & B and rehabilitation of Aprons C & D1 at the County Airport.	\$1,300,119.00
Capital Projects Fund – To appropriate a grant from the Ohio Department of Transportation for the rehabilitation of Apron A1 & B at the County Airport.	\$350,000.00
Early Childhood/Invest in Children – To appropriate a grant award from the United Way of Greater Cleveland to cover	\$50,000.00

programs and communication needs.	
Early Childhood/Invest in Children – To appropriate a grant from the Eaton Charitable Fund to cover programs and communication needs.	\$25,000.00
Solid Waste Management District – To appropriate a grant award from the Ohio Department of Natural Resources, Special Assistance Grant to expand food scrap capabilities and provide new recycling opportunities.	\$250,000.00
Office of Homeless Services – To appropriate a grant from the U.S. Department of Housing and Urban Development for the Continuum of Care for Homeless Assistance program's Shelter Care Plus Sponsor Based Rental Assistance program.	\$432,600.00
Early Childhood/Invest in Children – To appropriate a grant from the Ohio Department of Health to support the Help Me Grow program.	\$1,205,584.00
Sheriff – To appropriate a grant from the U.S. Department of Homeland Security, Federal Emergency Management Agency for the Northern Border Maritime Awareness program.	\$126,809.00
TOTAL	\$4,740,112.00

Total Additional Appropriations - All Funds	\$5,506,937.24
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The following represents the overall changes made to the 2011 Annual Appropriation Measure since its adoption on October 28, 2010. The changes reflect the Additional Appropriations, Appropriation Transfers and Cash Transfers to the original adopted appropriation measure.

APPROPRIATION STATUS SUMMARY:

	<u>09/13 Agenda</u>	<u>Year to Date</u>	<u>Adjusted Annual Appropriation</u>
General Fund	\$ (1468,807.00)	\$ 24,892,741.77	\$ 329,809,893.77
Other Fund	\$ <u>6,975,744.24</u>	\$ <u>109,521,610.25</u>	\$ <u>1,518,515,339.25</u>
Total	\$ 5,506,937.24	\$ 134,414,352.02	\$ 1,848,325,233.02

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
Various Executive Divisions – Realigning appropriation within the Executive agencies existing staff configuration required for internal controls and accountability measures. Funding is from the General Fund.	\$287,353.00
Juvenile Court – Realignment from the Court's Legal Services Division to the Probation Services Division to provide sufficient funding for the Drug Court program. Funding is from the Health & Human Services Levy Fund.	\$150,000.00
TOTAL	\$437,353.00

Other Operating Funds	Amount
Justice Services – Realignment within the Cuyahoga Regional Information System to cover the purchase of work stations in anticipation of moving the division from the Sterling Building to Courthouse Square. Funding is from user fees and fees assessed on traffic violations within the County.	\$6,100.00
TOTAL	\$6,100.00

Grants/Projects	Amount
Prosecutor – Realigning appropriation within the Internet Crimes Against Children grants to cover pending expenses. Funding is from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.	\$30,000.00
Justice Services – Realignment within the Juvenile Accountability Incentive Block grant to cover the purchase of computer equipment. Funding is from the U.S. Department of Justice.	\$2,590.00
Justice Services – Realignment within the 2009 Interoperable Emergency Communications CY2010 grant from the U.S. Department of Homeland Security, Emergency Management to cover an upcoming contract.	\$3,754.14
	\$36,344.14

Total Appropriation Transfers - All Funds	\$479,797.14
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Cash Transfer Summary – Operating transfers support operating expenditures, related to a cash matches for a grants, transfer of taxes or fees to a debt service fund, transfers from the General Fund to a capital project fund or operating subsidies to special revenue funds, enterprise funds, or internal service funds. This type of transaction posts as an expenditure and sufficient appropriation must be available to process the transaction.

Residual Equity Transfers are non-recurring or non-routine transfers of cash between funds. They are used to close out a fund and to transfer remaining fund balance to another fund. This transaction only affects cash fund balance and does not

post as a revenue or expenditure. No appropriation is required to process this type of transaction.

General Fund/Health & Human Services	Amount
Health & Human Services Levy Fund – A cash transfer for a partial subsidy payment to the Cuyahoga Support Enforcement Agency. Funding is from the Health & Human Services Levy Fund.	\$1,200,000.00
Health & Human Services Levy Fund – A cash transfer to cover the County's mandated share of Temporary Assistance To Needy Families (TANF) and Non TANF related medicaid, and food expenses.	\$627,583.42
TOTAL	\$1,827,583.42

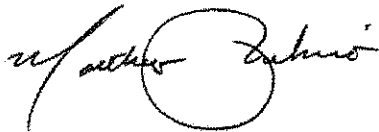
Other Operating Funds	Amount
TOTAL	0

Grants/Projects	Amount
TOTAL	\$ 0.00

Total Cash Transfers - All Funds	\$1,827,583.42
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Thank you for your consideration regarding this matter.

Sincerely,



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

MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council
FROM: Matthew Rubino, Director, Office of Budget & Management
DATE: September 6, 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 September 13, 2011. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

Resolution: Additional Appropriations

A. 40A069 – Capital Projects Future Debt Issue **BA1100465**
CC767327 – Jail I Kitchen Replacement – Justice Center
Capital Outlays \$ 1,000,000.00

An additional appropriation is needed to proceed with the Jail I Kitchen Replacement in the Justice Center. The project was approved in 2006. The original bids received in January 2011 were rejected due to the Prosecutor's ruling on bid appeal and timing beyond 60-day bid requirement. The five year delay in construction resulted in cost escalation. An evaluation by the Project Architect (mbi/k2m Architecture, Inc) of anticipated current costs shows a need to increase current projection estimates. Funding is from proceeds received from a future debt issuance of general obligation bonds.

B. 40A069 – Capital Projects Fund **BA1100466**
CC767939 – 2011 FAA Recons, Rehab. Apron A1 & B, C & D1
Capital Outlay \$ 1,300,119.00

To appropriate grant from the Federal Aviation Administration for the reconstruction of Apron A1 & B and rehabilitation of Aprons C & D1 at the County Airport.

C. 40A069 – Capital Projects Fund **BA1100467**
CC767947 – ODOT Rehab. Apron A1 & B
Capital Outlay \$ 350,000.00

To appropriate grant from the Ohio Department of Transportation for the rehabilitation of Apron A1 & B at the County Airport. The total cost of the project is \$388,889, with a local share of \$38,889.

D. 01A001 - General Fund **BA1000656**
DV014100 – Economic Development
Other Expenses \$ 632.24

An appropriation increase is requested for Economic Development to cover the cost of a loan refund that was over-paid by a borrower. Funding for Economic Development comes from the General Fund.

E.	20A495 – Human Services Other Programs	BA1100758
	MIS11410- Human Services Other Programs	
	Other Expenses	\$ 700,000.00

A request to increase appropriation in the amount of \$700,000 due to a corresponding decrease request in appropriation to accommodate an \$850,000 RFP for Fatherhood Initiative contracts. All of these contracts were originally encumbered in January 2011. However, half of the encumbrance amounts were decertified the following month at the request of the new administration. Additionally, the new administration requested an RFP for a full year commencing July 2011 through June 2012. There would be no overall increase in appropriation and no additional impact on the levies. The source of funding is the Health & Human Services Levy Fund. (See attached OBM Review Document.)

F.	20A807 – EC-Invest In Children	BA1100706
	EC451393 – Program Administration	
	Other Expenses	\$ 50,000.00

The Department of Early Childhood requests additional appropriation of \$50,000.00 for the 2011 Operating Budget to cover programs and communications needs not funded by other sources. Funding is supported by a donation from the United Way of Greater Cleveland. The donation has been deposited and approved and accepted by the County Executive.

G.	20A807 – EC-Invest In Children	BA1100707
	EC451393 – Program Administration	
	Other Expenses	\$ 25,000.00

The Department of Early Childhood requests additional appropriation of \$25,000.00 for the 2011 Operating Budget to cover programs and communications needs not funded by other sources. Funding is supported by a donation from the Eaton Charitable Fund. The donation has been deposited and approved and accepted by the County Executive.

H.	21A650 – Rosby Resource Recycling Inc.	BA1100709
	SM757930 – 2011 Rosby Resource Recycling Inc.	
	Other Expenses	\$ 250,000.00

The Solid Waste Management District requests additional appropriation of \$250,000.00 for the 2011 Operating Budget for program funding to expand food scrap processing capabilities and provide for new recycling opportunities for material generators. Funding is supported by a donation from the Ohio Department of Natural Resources (ODNR) Special Assistance Grant with Rosby Resource Recycling. 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 waste disposal fees.

J.	22A678 – Shelter + Care Renewal -SRA	BA1100712
	HS753095 – Shelter + Care '10 Renewal -SRA	
	Other Expenses	\$ 432,600.00

The Office of Homeless Services requests additional appropriation of \$432,600.00 for the 2011 Operating Budget to cover recent award from the United States Department of Housing & Urban Development in connection with the Continuum of Care for Homeless Assistance

program for the Shelter Care Plus Sponsor-Based Rental Assistance program in the amount of \$432,600.00 covering the period December 1, 2011 through November 30, 2012. The donation was approved and accepted by the County Executive on August 1, 2011.

K.	20A807 – EC-Invest In Children	BA1100710
	EC451419 – Early Intervention	
	Other Expenses	\$ 1,205,584.00

The Office of Early Childhood requests additional appropriation of \$1,205,584.00 for the 2011 Operating Budget to support the Help Me Grow program, in support of Early Intervention. Funding is supported by a donation from the Ohio Department of Health. The donation has been deposited and approved and accepted by the County Executive

L.	21A051 – Northern Border Maritime Awareness	BA1100748
	SH350033 – Northern Border Maritime Awareness	
	Other Expenses	\$ 1,751.32
	Capital Outlays	\$ 125,057.68

To establish appropriations for the Northern Border Maritime Awareness grant awarded to Cuyahoga County Department of Justice Affairs, accepted by the County Commissioners on September 16, 2010, resolution #103967 in part for the County Sheriff from the United States Department of Homeland Security, Federal Emergency Management Agency in connection with the FY2010 Port Security Grant Program (PSGP) covering the period June 1, 2010 through May 31, 2013. The purpose of the grant is to enhance Maritime domain awareness, improvised explosive devices and weapons of mass destruction prevention, protection, response and recovery capabilities through the public safety marine patrol. The grant will permit the Sheriff to purchase a boat and related equipment.

M.	61A608 – Central Security Service-Sheriff	BA1100749
	SH352005 – Building Security Service	
	Personal Services	\$ 1,100,000.00
	Other Expenses	\$ 35,000.00

To increase appropriations in the Sheriff's Building Security Services account for an increase in overtime and other operating expenses as well as expenses (including overtime) that were excluded in the original budget since the costs were previously paid through Central Services for the first three months. The increased appropriations have been offset by a decrease in the General Fund Prisoner Board and Care account (see document BA1100750). Funding is from the internal service fund which derives revenues from charges to county departments which utilize the services of security for the buildings. The internal service fund covers the period January 1, 2011 through December 31, 2011. (See attached OBM Review Document.)

N.	01A001 – General Fund	BA1100750
	AE511451 – Board & Care of Prisoners	
	Other Expenses	\$ (\$1,135,000.00)

To decrease appropriations in Prisoner Board and Care account that pays for prisoners housed in municipal jails throughout the community. The decrease is to offset the increase in the Sheriff's Building Security Services account (see document BA1100749). Funding is entirely from the General Fund covering the period January 1, through December 31, 2011. (See attached OBM Review Document.)

O.	01A001 - General Fund	BA1100756
	IG030411 - Inspector General	
	Other Expenses	\$ 149,690.00

This request for appropriation would provide funding for controlled and other operating expenses. The ordinance that established the Office of Inspector General (Ord. No. O2011-0019) provided an initial budget of \$375,000. The initial budget did not include controlled and other operating expenses because Ord. No. 02011-0019 states that the county shall make good faith efforts to provide the Office with office space and sufficient physical facilities, which this appropriation would provide. (See attached OBM Review Document.)

P.	01A001 - General Fund	BA1100762
	JC375055 – Juvenile Court – Child Support	
	Personal Services	\$ (131,063.00)

The 2011 budget included appropriation for a magistrate and clerk to hear cases related to the Uniform Interstate Family Support Act (UIFSA). The Ohio Supreme Court recently decided that the Domestic Relations Court has jurisdiction over UIFSA cases (Pula v. Pula-Branch, 129 Ohio St.3d 196, 2011-Ohio-2896). The Juvenile Court has not and no longer needs to hire the magistrate or clerk for this purpose. (See related additional appropriations, items R, and S, on page 4.) See attached OBM Review Document.

Q.	01A001 – General Fund	BA1100772
	DR495515 – Domestic Relations Bureau of Support	
	Personal Services	\$ 12,125.00
	Capital Outlays	\$ 26,250.00

To increase appropriations in the Domestic Relations Bureau of Support account for wages and fringes for a scheduler along with wireless access in the courthouse and recording equipment in the Support Magistrates’ offices. Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011. These increases qualify for reimbursement through Title IV-D at the rate of 66%. Additionally this increase is offset with reduction from Juvenile Court. (See related decrease appropriation, item Q, and additional appropriation, item S, on page 4.) See attached OBM Review Document.

R.	01A001 – General Fund	BA1100773
	DR391052 – Domestic Relations Court	
	Personal Services	\$ 4,441.00
	Capital Outlays	\$ 4,750.00

To increase appropriations in the Domestic Relations general account for an increased rate for a psychologist with expanded requirements, responsibilities and roles along with wireless access in the courthouse. Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011. Additionally this increase is offset with reduction from Juvenile Court. (See related decrease appropriation, item Q, and additional appropriation item R, on page 4.) See attached OBM Review Document.

S.	20A823 – Juv. Ct. Youth & Family Comm. Partnshp.	BA1100765
	JC108092– Youth and Family Community Partntrship	
	Other Expenses	\$ (683,131.70)

The placements in Youth and Community Partnerships in 2011 have been less than in previous years, and the full appropriation is not anticipated to be needed. Placement decreases have occurred as placements have increased in probation services, which has seen a corresponding increase. The source of funding is from the Health and Human Services Levy Fund.

T.	20A811 – Juv. Ct. Detention & Probation Svcs. JC107516 – Juvenile Court Probation Services Other Expenses	BA1100766 \$ 683,131.70
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The Juvenile Court has seen increased placements in its Probation Services program and decreased placements in its Youth and Community Partnership programs. This trend has resulted in too much appropriation in the latter and insufficient appropriation in probation. This appropriation increase would provide sufficient funding to continue to meet the current probation population for the remainder of the year. The sources of funding for the Probation and Legal Services accounts are the Health and Human Services Levy Fund.

U.	01A001 – General Fund AE511451 – Board & Care of Prisoners Other Expenses	BA1100768 \$ (\$400,000.00)
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To decrease appropriations in Prisoner Board and Care account that pays for prisoners housed in municipal jails throughout the community. The decrease is to offset the increase in Justice Services Cuyahoga Regional Information System account (see document BA1100769). Funding is from the General Fund covering the period January 1, through December 31, 2011. (See attached OBM Review Document.)

V.	50A410 – Cuyahoga Regional Information System JA090068 – Justice Affairs-Cuyahoga Regional Information System Other Expenses	BA1100769 \$ 400,000.00
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To increase appropriations in Justice Services (formally Justice Affairs) Cuyahoga Regional Information System (CRIS) account for the system enhancement and expansion. There is a corresponding decrease in Prisoner Board and Care funding this increase (see document BA110768). Funding for CRIS is from user fees and fees assessed on traffic violations within the County covering the period January 1, 2011 through December 31, 2011. (See attached OBM Review Document.)

Resolutions: Appropriation Transfers

A. FROM: 21A359 – Internet Crimes Against Children **BA1100747**
PR764860 – Internet Crimes Against Children FY09
Capital Outlays \$ 30,000.00

TO: 21A359 – Internet Crimes Against Children
PR764860 – Internet Crimes Against Children FY09
Other Expenses \$ 30,000.00

To transfer appropriations within the Prosecutor’s grant Internet Crimes Against Children FY09 for pending expenses. Funding is from the United States Department of Justice, Office of Justice Programs, National Institute of Justice covering the grant period October 1, 2009 through March 31, 2011.

B. FROM: 01A001 – General Fund **BA1100761**
CC013052 – Office of Budget & Management
Personal Services \$ 152,450.00
Other Expenses \$ 5,000.00

01A001 – General Fund
CT577106 – Risk & Property Management
Other Expenses \$ 75,000.00

01A001 – General Fund
CC011106 – County Administrator
Other Expenses \$ 7,550.00

01A001 – General Fund
CC011213 – Clerk of the Board
Personal Services \$ 47,353.00

TO: 01A001 – General Fund
EX016006 – County Executive
Personal Services \$ 277,353.00
Other Expenses \$ 10,000.00

An appropriation transfer is requested from several administrative budgets to the budget of the County Executive. The County Executive budget was based on the budget of the former County Administrator. However, the County Executive has a different staff configuration to institute more internal controls and accountability measures. The transfer of appropriation to County Executive’s office would include \$240,000 for salaries and \$10,000 for travel. Another \$37,353 would pay for ongoing retirement buyout expenses for former County Administrator employees that are now paid from the County Executive budget. (See attached OBM Review Document.)

C. FROM: 20A811 – Juvenile Court Detention & Probation Svcs. **BA1100764**
JC107532 – Juvenile Court Legal Services
Other Expenses \$ 150,000.00

TO: 20A811 – Juvenile Court Detention & Probation Svcs
JC107516 – Juvenile Court Probation Services
Other Expenses \$ 150,000.00

A request is made to transfer appropriation to provide sufficient funding for the Juvenile Court's Drug Court program. The source of funding is from the Health and Human Services Levy Fund.

D.	FROM:	21A526 – JAIBG Block Grant	BA1100732
		JA752477 – JAIBG Block Grant 2010	
		Other Expenses	\$ 2,590.00
	TO:	21A526 – JAIBG Block Grant	
		JA752477 – JAIBG Block Grant 2010	
		Capital Outlay	\$ 2,590.00

To transfer appropriations within the Juvenile Accountability Incentive Block Grant (JAIBG) for the Customer Service Request (CSR) JA1100668 authorizing the purchase of 2 Dell Latitude E5520 i5 Laptop computers. Funding is from the U.S. Department of Justice passed through the Ohio Department of Youth Services covering the period January 1, 2010 through December 31, 2011.

E.	FROM:	50A410 – Cuyahoga Regional Information System	BA1100733
		JA090068 –Cuyahoga Regional Information System	
		Other Expenses	\$ 6,100.00
	TO:	50A410 – Cuyahoga Regional Information System	
		JA090068 –Cuyahoga Regional Information System	
		Capital Outlay	\$ 6,100.00

To transfer appropriations within the Justice Services Cuyahoga Regional Information System for work stations in anticipation of the move of the units from the Sterling Building to Courthouse Square. Funding is from user fees and fees assessed on traffic violations within the County covering the period January 1, 2011 through December 31, 2011.

F.	FROM:	21A764 – Interoperable Emergency Communications	BA1100746
		JA752584 – Interoperable Emergency Communications CY2010	
		Personal Services	\$ 3,745.49
		Capital Outlay	\$ 8.65
	TO:	21A764 – Interoperable Emergency Communications	
		JA752584 – Interoperable Emergency Communications CY2010	
		Other Expenses	\$ 3,754.14

To transfer appropriations within the 2009 Interoperable Emergency Communications CY2010 grant for an upcoming contract. Funding is from the U.S. Department of Homeland Security, Emergency Management passed through the Ohio Emergency Management Agency covering the period June 1, 2009 through October 31, 2011.

Recommendation for Appropriation Request

Request Description	Increase of appropriation for Fatherhood Initiative in HHS Other Programs index code
Requesting Agency	OBM
Funding Source	HHS levies
Total Impact	\$700,000
Status	Recommended
Agenda Date	September 13, 2011

Summary of Request

This is a request to increase appropriation to accommodate an \$850,000 RFP for Fatherhood Initiative contracts. All of these contracts were originally encumbered in January 2011. However, half of the encumbrance amounts were decertified the following month at the request of the new administration. Additionally, the new administration requested an RFP for a full year commencing July 2011 through June 2012.

Background Information

The Cuyahoga County Fatherhood Initiative (CCFI) seeks to strengthen families in our community by encouraging fathers to play a more active role in nurturing and raising their children. The Initiative responds to escalating social concerns regarding "father absence" by providing fathers with access to services designed to prepare them to better meet the emotional, psychological, and financial needs of their children.

The original budget for Fatherhood Initiative in 2011 was \$860,000. This request would increase their budget to \$1,290,000. The original encumbrance for \$423,000 for the first half of this year is expected to be spent in 2011. The contract encumbrances for the \$850,000 RFP are expected to continue on an annualized basis. The remainder balance would carryover each year.

Additionally, \$250,000 of original appropriation in the HHS Other Programs index was encumbered to accommodate the Summer Youth Services program per the recommendation of the Executive staff.

OBM Recommendation and Impact Statement

OBM is recommending the appropriation increase; the impact would be on the levy funds.

Recommendation for Appropriation Request

Request Description	Increase in General Fund Appropriation
Requesting Agency	Sheriff-Building Security
Funding Source	Internal Service Fund
Total Impact	\$ 1,135,000
Status	Recommended
Agenda Date	9.13.11

Summary of Request

Request to increase appropriation totaling \$1,135,000 of which \$1,100,000 is for overtime and other operating expenses as well as expenses that were excluded in the original budget since the costs were previously paid through Central Services for the first three months of 2010.

Background Information

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

OBM Recommendation and Impact Statement

The Sheriff's Central Security Service account is reimbursed through charges to other county agencies of which approximately 30% is derived from non General Fund/Health and Human Service Levy Fund such as federal reimbursements as a result the impact on local resources is approximately \$794,500.

In addition the General Fund Account of Prisoner Board and Care has been reduced on the same agenda in the full amount of \$1,135,000.

Recommendation for Appropriation Request

Request Description	Decrease appropriation UIFSA jurisdiction change
Requesting Agency	Juvenile Court – Child Support
Funding Source	General Fund
Total Impact	\$ 131,063.00
Status	Recommended
Agenda Date	September 13, 2011

Summary of Request

A request to decrease appropriation to reflect a decrease in the Court's staffing needs. The 2011 budget included \$131,063 to hire a magistrate and clerk to administer cases related to the Uniform Interstate Family Support Act (UIFSA). The Ohio Supreme Court recently found that Juvenile Court does not have exclusive jurisdiction over such cases, and those cases will now be adjudicated through Domestic Relations Court (Pula v. Pula-Branch, 129 Ohio St.3d 196,2011-Ohio-2896). Therefore, this appropriation would decrease the amount that was intended to hire staff that the Juvenile Court no longer needs.

Background Information

The \$131,063 appropriation was a new appropriation in the 2011 budget. The Juvenile Court has not hired the magistrate or clerk funded by this appropriation. Given the Supreme Court's recent finding, the Court no longer needs to fill these positions.

OBM Recommendation and Impact Statement

The appropriation request would have a positive impact in the General Fund of \$131,063. The funding decrease would not impact programmatic objectives because the decrease only affects an area where the Court had not yet provided services, and those services will now be provided through another Court. The Domestic Relations Court will request an appropriation increase as needed to accommodate the UIFSA cases. OBM recommends approval.

Recommendation for Appropriation Request

Request Description	Increase in Appropriation
Requesting Agency	Domestic Relations Bureau of Support (DR495515)
Funding Source	General Fund
Total Impact	\$ 38,375.00
Status	Recommended
Agenda Date	9.13.11

Summary of Request

Request to increase appropriation totaling \$38,375 for the Domestic Relations Court-Bureau of Support (DR495515) to be able to hire an additional scheduler starting in September, 2011 amounting to \$12,125 for wages and fringes along with half the cost of the wireless access at the courthouse (\$4,750) and the purchase of recording equipment in the Support Magistrates' offices (\$21,500).

Background Information

Domestic Relations Bureau of Support is entirely funded by the General Fund however the expenses incurred in this account are reimbursable through Title IV-D at the rate of 66%.

OBM Recommendation and Impact Statement

The Court intends to hire a new scheduler to handle the increased case loads resulting in the transfer of the Uniform Interstate Family Support Act (UIFSA) cases from Juvenile Court. The annual wage increase is \$30,000 but with the position not starting until September 2011 the total cost (wages and fringes) is 12,125.00

Also included is half the cost of the wireless access in the courthouse with the total cost being \$9,500 half or \$4,750 is included in the request. Providing wireless access will enhance operations and the efficiency of the attorneys.

In addition is request includes recording equipment amounting to \$21,500 in the Support Magistrates' offices.

All of the above increases amounting to \$38,375 are eligible for Title IV-D reimbursement at a rate of 66% resulting in a General Fund impact of \$13,047.50

This increase is offset by a decrease of \$131,063 in the Juvenile Courts current appropriations that was originally intended for the Uniform Interstate Family Support Act (UIFSA) anticipated case load that did not materialize pursuant to the June 2011 opinion (*Pula ruling*) from the Ohio Supreme Court which affirms the jurisdiction of Domestic Relation to hear these cases.

Recommendation for Appropriation Request

Request Description	Increase in Appropriation
Requesting Agency	Domestic Relations General Account (DR391052)
Funding Source	General Fund
Total Impact	\$ 9,191.00
Status	Recommended
Agenda Date	9.13.11

Summary of Request

Request to increase appropriation totaling \$9,191 for the Domestic Relations Court-General Account (DR391052) for an increase in the rate for a psychologist starting October 24, 2011 amounting to \$4,441 in wages and fringes and half the cost of the wireless access at the courthouse (\$4,750).

Background Information

Domestic Relations general account is entirely funded by the General Fund.

OBM Recommendation and Impact Statement

The Court received notice of a retirement of the Family Conciliation Services Director and has decided to expand the role and hiring requirements for a psychologist with proper certifications to be able to perform psychological testing. The annual wage increase is \$25,000 but with the position not starting until 10/24/2011 the total cost (wages and fringes) in 2011 is 4,441.00

Also included is half the cost of the wireless access in the courthouse with the total cost being \$9,500 half or \$4,750 is included in the request. Providing wireless access will enhance operations and the efficiency of the attorneys. The cost of the other half (\$4,750) will be placed in the Bureau of Support where the cost is eligible for Title IV-D reimbursement.

This increase is offset by a decrease of \$131,063 in the Juvenile Courts current appropriations that was originally intended for the Uniform Interstate Family Support Act (UIFSA) anticipated case load that did not materialize pursuant to the June 2011 opinion (*Pula ruling*) from the Ohio Supreme Court which affirms the jurisdiction of Domestic Relation to hear these cases.

Recommendation for Appropriation Request

Request Description	Increase in Appropriation
Requesting Agency	Justice Services-Cuyahoga Regional Information System (CRIS)
Funding Source	Enterprise Fund (with General Fund Subsidy)
Total Impact	\$ 400,000
Status	Recommended
Agenda Date	9.13.11

Summary of Request

Request to increase appropriation totaling \$400,000 for Cuyahoga County Regional Information System (CRIS) for system enhancement and expansion.

Background Information

Justice Services-CRIS is an Enterprise Fund with a General Fund subsidy.

OBM Recommendation and Impact Statement

The increase in appropriations will increase the subsidy by the same amount since revenues (user fees and traffic violation fees) are not sufficient to sustain the increase in expenses resulting from these enhancements.

The General Fund Account of Prisoner Board and Care has been reduced on the same agenda in the full amount of \$400,000.

Recommendation for Appropriation Request

Request Description	Appropriation increase
Requesting Agency	County Executive
Funding Source	General Fund
Total Impact	\$287,353.00
Status	Recommended
Agenda Date	September 13, 2011

Summary of Request

This request would transfer appropriation to the Office of County Executive from several other executive agencies. The transfer would accommodate increased activity by the County Executive's office compared with that of the County Administrator, which was used to form the base budget.

Background Information

2011 is the initial year for the County Executive. Without a prior history, the original budget of 1,320,892 was based on that of the County Administrator. However, the County Executive has a larger staff to institute more internal controls and accountability measures. These initiatives have already begun to streamline government operations and create cost savings. The request would transfer surplus funds from other Executive agencies.

OBM Recommendation and Impact Statement

It is anticipated that the Executive's initiatives will create efficiencies and economic growth that will exceed the appropriation transfer amount. Most of the appropriation would cover salaries, and \$10,000 would cover an increase in contractual services, which includes lobbying services and support of community investment initiatives.

The request would transfer \$287,353.00 from other executive agencies in the following amounts:

Office of Budget & Management	\$157,450
Risk & Property Management	\$75,000
Clerk of the Board	\$47,353
County Administrator	\$7,550

OBM recommends approval of the appropriation transfer.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0273

Sponsored by: County Executive FitzGerald/Department of Health and Human Services/ Employment & Family Services	A Resolution authorizing the County Executive to enter into a contract with Cleveland Foodbank, Inc. and Hunger Network of Greater Cleveland in the amount not-to-exceed \$817,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries serving residents in need for the period 4/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Employment & Family Services has recommended a contract be entered into with Cleveland Foodbank, Inc. and Hunger Network of Greater Cleveland in the amount not-to-exceed \$817,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries serving residents in need for the period 4/1/2011 - 12/31/2011; 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 continue the usual and daily operation of the County;

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

SECTION 1. That the County Executive is authorized to enter into a contract with the Cleveland Foodbank, Inc. and Hunger Network of Greater Cleveland in the amount not-to-exceed \$817,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries serving residents in need for the period 4/1/2011 - 12/31/2011.

SECTION 2. Funds have been certified and encumbered sufficient to fund this contract.

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

Journal CC003
September 13, 2011



To: C. Ellen Connally, President, Cuyahoga County Council
Dan Brady, Chairman, Health and Human Services Committee

From: Matt Carroll, Chief of Staff, County Executive

Date: September 8, 2011

Re: Food Bank/Hunger Network Contract

Attached is a copy of the contract executed by the Cleveland Food Bank, the Hunger Network of Greater Cleveland and Cuyahoga County. Additionally, the Food Bank and the Hunger Network previously entered a Memorandum of Understanding which is attached as well.

I have been asked to write to you to request an expedited approval process for this contract. **Specifically, I ask for Council's consent to approve this contract at the next regular Council meeting on Tuesday, September 13, 2011.** While this may be a break from the procedures that this Council has adopted, I think you will agree that the important work provided by the parties to this contract warrant the cooperation of both the County Executive and the County Council in issuing payment as quickly as possible.

You will recall that a temporary contract was entered for the first quarter of this year. Since that time, the parties have consistently provided healthy food products to needy individuals throughout Cuyahoga County, without any payment. In these difficult times, any outstanding billings will create significant problems to any agency's bottom line.

Both the Food Bank and the Hunger Network have worked well together this year and have shown a desire to use innovative techniques to provide services to our most needy residents. I ask that you consider approving this contract at your next meeting as a show of support and understanding for their work and their willingness to assist this County.

I thank you for your assistance in this matter. Please let me know if you have any questions or comments.

EMPLOYMENT & FAMILY SERVICES
CUYAHOGA COUNTY, OHIO

PURCHASE OF SERVICE CONTRACT
WITH
CLEVELAND FOOD BANK, INC. AND HUNGER NETWORK OF GREATER
CLEVELAND, INC.

THIS CONTRACT made and entered into this _____ day of _____, 2011 by and among the County of Cuyahoga (the "County"), and Cleveland Food Bank, Inc. ("FB") and the Hunger Network of Greater Cleveland, Inc. ("HN"). FB and HN shall jointly be referred to as "Providers". For purposes of this agreement, all references to "Employment & Family Services" and the "County" shall be used interchangeably.

I. TERM

This Contract will be effective from April 1, 2011 through December 31, 2011 inclusive, unless otherwise terminated or extended by formal amendment.

The Providers understand that funding for the services under this Contract will not be continued after December 31, 2011. Acknowledgement for funding this Contract, the terms outlined herein and its deadline is shown by the initials of each Provider on the line below:

FB ACG

FN JL

The total amount of this Contract shall not exceed \$817,500.00 over the life of this contract. All parties to this Contract understand that the sum detailed above will be distributed in accordance with the terms of this Contract, and the provisions outlined in the Memorandum of Understanding (MOU) which is attached and incorporated herein as Exhibit III. If the amount of the invoices exceeds the amount of this Contract, the Providers understand and agree that no additional funds will be paid over and above the total amount of this Contract, under any circumstances, even if additional services are provided.

II. PURCHASE OF SERVICE

Subject to the terms and conditions set forth in this Contract, including the incorporated Exhibits and Attachments, and the understandings set forth in the attached MOU, the Providers agree to provide food for the 35 (thirty-five) Hunger Centers serving needy citizens of Cuyahoga County identified on Attachment 1. ("Hunger Centers"). In accordance with the Statement of Work, attached hereto as Exhibit 1 ("Statement of Work") the parties acknowledge and agree that the number of Hunger Centers may be altered

during the course of this agreement and the addition, or subtraction, of the number of Hunger Centers will in no way alter the terms and conditions of this agreement. The parties acknowledge that the MOU contains commitments from both the FB and the HN that involve on-going operations in the delivery of food to needy Cuyahoga County residents.

The Providers agree to acknowledge the financial support of the County on any publications, promotional brochures, media releases, or other publicity materials produced with resources provided under this Contract. This acknowledgment shall be displayed in a prominent location.

III. RECORDS AND REPORTING

The County reserves the right to reasonably request additional reports pertaining to the specific program during the term of this Contract. It is the responsibility of each Provider to furnish reports as requested. The County may exercise this right without a contract amendment. The County reserves the right to withhold payment until such time as the reasonably requested and/or required reports are received.

IV. BILLING AND PAYMENT

The FB shall submit all invoices following service, with accompanying reports to the County as outlined in the Exhibits and/or Attachments hereto. The County will review such invoices for completeness/correctness and any information necessary before making payment within thirty (30) calendar days after receipt of an accurate invoice. The County shall not make invoice payments for any services invoiced later than sixty (60) days after the end of the service month without prior County approval. The County reserves the right to withhold payment until such time as requested and/or required reports are received.

The FB shall indicate on its invoices, the contract number, type of service being rendered, dates service was rendered, and the contract period. The invoice shall show the contract amount minus the invoice amount to reflect the remaining balance on the contract in order to obtain reimbursement.

The FB warrants that the following unallowable costs were not included in determining the rate of payment and that these costs will not be included in an invoice submitted for payment: bad debt, bonding costs, contingencies, contributions or donations, entertainment costs, costs of alcoholic beverages, goods or services for personal use, fines, penalties and mischarging costs, gains and losses on disposition or impairment of depreciable or capital assets, losses on other contract, organization costs, costs related to legal and other proceedings, goodwill, asset valuations resulting from business combinations, and legislative lobbying costs.

The FB warrants that a separate General Ledger account has been established and will be maintained for the revenue and expenses of this contracted program in accord with the requirements of Section VIII.

V. MONITORING, EVALUATION AND QUALITY IMPROVEMENT

The effectiveness of the services provided shall be measured by the achievement of outcomes as identified in the Statement of Work, benchmarks as defined in the contract budget and compliance with the terms and conditions of the contract.

The County will determine the overall performance of contracted services and programs through monthly monitoring activities and the Comprehensive Program Assessment (CPA).

The County's monitoring activities may consist of, but are not limited to:

- Reviewing required reports, as noted herein;
- Reviewing required invoicing documentation and protocol;
- Reviewing monthly activities; and,
- Quality Improvement interventions needed to address and remedy issues discovered through the monitoring activities.

The CPA consists of a series of coordinated activities designed to support, assess and document program implementation, performance and compliance. CPA activities may consist of, but are not limited to:

- Provider site visits to observe program activities, participant engagement and facilities' operations;
- Provider presentations and meetings to discuss program features, progress, adjustments or other notable program results;
- Case File Reviews conducted by the County to ensure compliance with documentation of services rendered;
- Surveys and other methods to gauge participant feedback;
- Review of program outcomes; and,
- Program enhancements and updates based on County feedback with regard to services and performance.

Findings based on any of the aforementioned activities will be communicated to the Provider in writing. In the event of negative findings resulting in areas in need of improvement or noncompliance, the Provider shall respond in writing, detailing an improvement plan and/or corrective action plan for each issue.

The CPA and monitoring are on-going and evolving processes. The County reserves the right to modify the processes, activities and products during the

contract period in order to most effectively meet the monitoring and compliance needs of the parties.

Failure to comply with the terms and conditions of this Contract may result in a reduction of funding, recuperation of funds paid, or termination of this Contract, in part or in whole, in accordance with Article XIV, at the discretion of the County. Should the failure to comply be caused solely by the FB or the HN, the responsible party shall be subject to the provisions contained in this paragraph.

VI. AVAILABILITY OF FUNDS

This contract is conditional upon the availability of federal, state, or local funds that are appropriated or allocated for payment of this contract. If funds are not allocated and available for the continuance of the services provided hereunder, the services, in whole or in part, may be terminated by the County at the end of the period for which funds are available. The County will notify the Providers at the earliest possible time of any products or services that will or may be affected by a shortage of funds. No penalty shall accrue to the County in the event this provision is exercised and the County shall not be obligated or liable for any future payments or for any damages as a result of termination under this section of this Contract.

VII. DUPLICATE BILLING

The FB warrants that claims made to the County for payment for services provided hereunder shall be for actual services rendered to eligible Hunger Centers and are not duplicate claims made to other sources of public or private funds for the same service.

VIII. AVAILABILITY AND RETENTION OF RECORDS

All records relating to the services provided and supporting documentation for invoices submitted to the County by the FB shall be retained and made available by the FB for audit by the County, the County Inspector General, the State of Ohio (including but not limited to ODJFS, the Auditor of State, the State Inspector General, the Attorney General or any other duly appointed State Law Enforcement official) and agencies of the United States government for a minimum of three (3) years after payment under this Contract. If an audit is initiated during this time period, the FB shall retain all pertinent records until the audit is concluded and all issues resolved.

IX. CONFLICT OF INTEREST

This Contract in no way precludes, prevents, or restricts any Provider from obtaining and working under an additional contractual arrangement(s) with other parties apart from the County, assuming that the contractual work does not impede the Provider's ability to perform the services required under this Contract. Each Provider warrants that at the time of entering into this Contract, it has no interest in, nor shall it acquire any interest, direct or indirect, in any contract that will impede its ability to perform the services under this Contract.

Each Provider represents and warrants that there is no financial interest involved on the part of any County officers or employees involved in the development of the specification or the negotiation of this Contract. Each Provider has no knowledge of any situation that would be a conflict of interest. It is understood that a conflict of interest occurs when an employee or agent of the County will gain financially or receive personal favors as a result of the signing or implementation of this Contract.

Each Provider will report the discovery of any potential conflict of interest to the County. Should a conflict of interest be discovered during the term of this Contract, the County may exercise any right under the Contract, including termination of this Contract in its entirety.

Each Provider hereby covenants that it has disclosed all information that it possesses about any business relationship or financial interest that any Provider has with a County employee, employee's business, or, to the extent possible, any business relationship or financial interest that a County employee has with any Provider or in the Provider's business.

X. ASSIGNMENTS

All parties expressly agree that the Contract shall not be assigned to any other entity without the prior written approval of the County.

No Provider may subcontract any of the services agreed to in this Contract without the express, written consent of the County. All subcontracts are subject to the same terms, conditions and covenants contained within this Contract. Each Provider is responsible for making direct payment to all subcontractors for any and all services provided by such subcontractor.

XI. GOVERNING LAW; VENUE

This Contract and its exhibits and attachments and any modifications, amendments or alterations thereto, shall be governed, construed and enforced under the laws of the State of Ohio in the State Courts located in Cuyahoga County, Ohio.

XII. INTEGRATION AND MODIFICATION

This Contract, and all exhibits and attachments hereto, embodies the entire contractual agreement between all parties. There are no promises, terms, conditions or obligations other than those contained herein. This Contract shall supersede all previous communications, representations or contracts, either written or oral, between the parties to this Contract.

Neither this Contract, nor any of the exhibits and attachments, shall not be modified in any manner except by an instrument, in writing, executed by all the parties to this Contract.

XIII. SEVERABILITY

If any term or provision of this Contract or the application thereof to any person or circumstance shall, to any extent be held invalid or unenforceable, the remainder of this Contract or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Contract shall be valid and enforced to the fullest extent permitted by law.

XIV. TERMINATION

The County may terminate this contract, for any reason, upon thirty (30) day written notice delivered to each Provider. A Provider may terminate this contract upon thirty (30) day written notice to the County. Each Provider agrees that it will be considered a material breach of this contract on a Provider's part if a Provider terminates service on this contract without cause, which is defined as:

- The County failing to meet the terms and conditions specified in the contract, or
- The County, through action or inaction on the County's part, rendering performance by the provider impossible.

The notice should be sent to the attention of the Contract Manager at 1641 Payne Avenue, Room 510, Cleveland, Ohio 44114. The County and any Provider shall agree on a reasonable phase-out of the program as a condition of the termination.

The parties further agree that should a Provider become unable to provide the services agreed to in this Contract for any reason or otherwise materially breach this Contract, such service as the Provider has provided upon the date of its inability to continue the terms of this Contract shall be eligible to be billed and paid according to the provisions of Section IV—Billing and Payment.

The County shall not be liable to pay to the FB any further Compensation after the date of the FB's inability to complete the terms hereof, or the date of termination of this agreement whichever is later, unless extended upon an agreement of all parties. It is agreed that even if the FB renders services for which payments are due, that no payments will be made after the termination of this Contract, either as a result of a default in the terms hereof or the day of termination of the Contract, unless extended by an agreement of all parties. The County may withhold any compensation to the FB for the purpose of off-set until such time as the amount of damages due the County from the FB is agreed upon or otherwise terminated.

XV. COMPLIANCE

Each Provider certifies that it, and all subcontractors who provide direct or indirect services under this contract, will comply with all requirements of federal laws and regulations, applicable OMB circulars, state statutes and Ohio Administrative Code provisions in the conduct of the work delineated herein.

XVI. NON-DISCRIMINATION

Each Provider certifies that it is an equal opportunity employer and shall remain in compliance with all state and federal civil rights and nondiscrimination laws and regulations, including, but not limited to Title VI and Title VII of the Civil Rights Act of 1964 as amended, the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Age Discrimination Act of 1975, the Age Discrimination in Employment Act, as amended, and the Ohio Civil Rights Law.

During the performance of this Contract, no Provider will discriminate against any employee, contract worker, or applicant for employment because of race, color, religion, gender, sexual orientation, national origin, ancestry, disability, Vietnam-era status, age, political belief or place of birth. Each Provider will take affirmative action to ensure that during employment, all employees are treated without regard to race, color, religion, gender, sexual orientation, national origin, ancestry, disability, Vietnam-era veteran status, age, political belief or place of birth. These provisions apply also to contract workers. Such action shall include, but is not limited to: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other compensation; and selection for training, including apprenticeship.

Each Provider agrees to post in conspicuous places, available to employees and applicants for employment, notices stating that each Provider complies with all applicable federal and state non-discriminatory laws.

Each Provider agrees not to establish or knowingly permit any such practice or practices of discrimination or segregation in reference to anything relating to this Contract, or in reference to any contractors or subcontractors of any Provider.

XVII. INDEMNIFICATION

The FB agrees to protect, defend, indemnify and hold the County, its officers, employees and agents, free, clear and harmless from and against any and all losses, penalties, damages, settlements, costs or liabilities of every kind and character arising out of, or in connection with, any acts or omissions of the FB, negligent or otherwise, and its employees, officers, agents, or independent contractors. The FB agrees to pay all damages, costs and expenses of the County, its officers, agents, employees and the County itself, in defending any action arising out of the aforementioned acts or omissions.

The HN agrees to protect, defend, indemnify and hold the County, its officers, employees and agents, free, clear and harmless from and against any and all losses, penalties, damages, settlements, costs or liabilities of every kind and character arising out of, or in connection with, any acts or omissions of the HN, negligent or otherwise, and its employees, officers, agents, or independent contractors. The HN agrees to pay all damages, costs and expenses of the County, its officers, agents, employees and the County itself, in defending any action arising out of the aforementioned acts or omissions.

XVIII. RELATIONSHIP

Nothing in this contract is intended to, or shall be deemed to constitute a partnership, association or joint venture with any Provider in the conduct of the provisions of this contract. Each Provider shall at all times have the status of an independent contractor without the right or authority to impose tort, contractual or any other liability on the County.

XIX. INSURANCE

Each Provider shall, during the terms of this contract, subscribe to and comply with the Worker's Compensation laws of the State of Ohio and pay such premiums as may be required and shall hold the County harmless from any and all liability arising from or under said act. Each Provider shall also furnish prior to the onset and delivery of said services and at such other times as may be requested, a copy of the official certificate or receipt showing the payments herein referenced.

Each Provider shall further purchase and maintain during the term of this Contract to cover any loss, liability or damage alleged to have been committed by that Provider, any Provider's employees, agents, servants, volunteers or assigns, Employment Practices Liability insurance coverage, Professional Liability insurance and Commercial General Liability (CGL) insurance coverage, wherein the County is named as an additional insured or co-insured. It is understood that said CGL coverage is to include, but not be limited to standard provisions for sexual and physical abuse, broad form property damage, personal injury, advertising injury, completed operations, product liability and firm damages. Exact copies of Certificates of Liability delineating such coverage shall be deposited with the County prior to commencement of services under this Contract. The amounts of said insurance shall be as follows:

- Commercial General Liability coverage with limits of at least \$1,000,000 per claim and \$3,000,000 annual aggregate;
- Employment Practices Liability coverage with limits of at least \$1,000,000 per claim and \$1,000,000 annual aggregate;
- Professional Liability coverage with limits of at least \$1,000,000 per claim and \$3,000,000 annual aggregate (where applicable).

The policies for each of the requisite insurance coverage specified above shall contain the following provision: The Provider agrees that thirty (30) days prior to cancellation or reduction of the insurance afforded by this policy, with respect to the Contract involved, written notice shall be mailed to: Employment & Family Services, 1641 Payne Avenue, Room 510, Cleveland, Ohio 44114.

Cancellation of insurance will constitute a complete default of this contract, and, if not remedied within thirty (30) days of cancellation, shall result in termination of the contract by the County.

XX. CONFIDENTIALITY

Each Provider agrees to comply with all federal and state laws applicable to all parties and Agencies concerning the confidentiality of consumers of all Hunger Centers and related agencies. Each Provider understands that any access to the identities of any Hunger Center's consumers shall only be as necessary for the purpose of performing its responsibilities under this contract. Each Provider agrees that the use or disclosure of information concerning any Hunger Center's consumer for any purpose not directly related to the administration of this contract is prohibited. Should any provider desire to use consumer information or client data for promotional purposes, written approval of the County must be given.

Client Data Confidentiality

By receiving client data in any form, all parties to this contract shall protect the confidentiality of said data as per the requirements of Ohio Administrative Code 5101:1-1-03, the regulations promulgated by the United States Department of Health and Human Services, the provisions of HIPAA, specifically, 45 CFR 164.501, and amendments thereto, and as detailed herein.

Definition: "Client Data" is any information that is, or can be, related to an individual client including all personal health information (PHI) as defined in 45CFR 164.501. For purposes of this Contract, the "Client Data" includes client names, ages, ages of household members and income declarations.

Permitted Uses and Disclosures—Each Provider and its agents and subcontractors shall not use or disclose client data except as specifically stated in this agreement.

Safeguards: Each Provider shall use appropriate safeguards to protect against use or disclosure not provided in this agreement.

Reporting of Disclosure: Each Provider shall promptly report to the County any knowledge of uses or disclosures of client data that is not in accordance with this agreement or applicable law. In addition, each Provider shall have an affirmative duty to mitigate any adverse effects and/or damages of such a breach to the extent possible.

Agents and Subcontractors—Each Provider ensures that all its agents and subcontractors that receive data from or on behalf of the County, agree to the same restrictions and conditions that apply to each Provider with respect to the use or disclosure of any client data.

Accessibility of Information—Each Provider shall make available to the County such information as the County may require to fulfill its obligations to provide access to, provide a copy of, and account for disclosures with respect to client data pursuant to HIPAA and regulations promulgated by the United States Department of Health and Human Services, including but not limited to, 45 CFR 164.154 and 164.528 and any attachments thereto.

Amendments of Information—Each Provider shall make client data available to the County in order for the County to fulfill its obligations pursuant to HIPAA to amend the information and shall, as directed by the County, incorporate any amendments into the information held by any Provider and ensure incorporation of any such amendments into information held by its agents and/or subcontractors.

Disclosure—Each Provider shall make available its internal practices, books and records relating to use and disclosure of client data received from the

County, or created or received by any Provider on behalf of the County, to the County and to the Secretary of the US Department of Health and Human Services for the purposes of determining the County's compliance with HIPAA and the regulations promulgated by the US Department of Health and Human Services and any amendments thereto.

Material Breach—In the event of a material breach of any Provider's obligations under this section, the County may, at its own option, terminate this agreement. Termination of this agreement shall not affect any provision of this agreement which, by its wording or its nature, is intended to remain effective and to continue to operate in the event of termination.

Return or Destruction of Information—Upon termination of the agreement, any Provider, at the County's option, shall return to the County, or destroy, all client data in its possession, and keep no copies of the information except as requested by the County or as required by law. If any Provider or its agents or subcontractors destroy any client data, the Provider shall provide to the County documentation evidencing such destruction. Any client data maintained by any Provider shall continue to be extended the same protections set forth in the agreement for as long as the agreement is maintained.

XXI. AUDIT RESPONSIBILITY

Audits and Reviews

Each Provider agrees to accept responsibility for receiving, replying to and/or complying with any audit exception or finding resulting from any appropriate federal, state or local audit or review related to the provisions of this Contract.

Audits and reviews will be conducted using a "sampling" method. Depending on the type of audit or review conducted, the areas to be reviewed using the sample method may include but are not limited to: months, expenses, total units and billable units. If errors are found, the error rate of the sample period may be applied to the entire audit period or other appropriate methods may be utilized.

Each Provider agrees to repay the County amounts due that result from any audit or review finding with monetary implications contained in an audit or review conducted by any appropriate federal, state or local governmental entity.

Each Provider agrees to repay the County the full amount of payment received for duplicate billings, erroneous billings, or false or deceptive claims.

When an overpayment is identified and the overpayment cannot be repaid within thirty (30) days, a Provider will be required and hereby agrees to sign a "Repayment of Funds Agreement". Each Provider recognizes and agrees that the County may withhold any money due and recover through any appropriate method any money erroneously paid under this Contract if evidence exists of less than full compliance with this Contract. If payments are not made according to the agreed upon terms, future payments will be held until the repayment of funds due are repaid. Payments held more than sixty (60) days will be cancelled and will not be reissued.

The County also reserves the right to not increase the rate of payment or the overall Contract amount for services purchased under this Contract if there is any outstanding or unresolved issue related to an Audit finding.

The County may allow a change in the terms of the Repayment of Funds Agreement. Any change will require a formal amendment to the Repayment of Funds Agreement that must be signed by all parties. An amendment to the Repayment of Funds Agreement may also be processed if any additional changes or issues develop or need to be addressed.

Other Deliverables

Within thirty (30) days of receipt, each Provider agrees to give the County a copy of its annual independent audit report and any associated management letters.

XXII. WARRANTY

Each Provider warrants that its services and/or goods shall be performed and/or provided in a professional manner in accordance with applicable professional standards in the respective industries.

XXIII. ACTS OF GOD

If, by reasons of Force Majeure, the parties are unable in whole, or in part, to act in accordance with this Contract, such parties shall not be deemed to be in default during the continuance of such inability, provided that a Provider shall only be entitled to the benefit of this paragraph for fourteen (14) days if the event of the Force Majeure does not affect the County's property or employees which are necessary to the Provider's ability to perform.

The term "Force Majeure" as used herein shall mean, without limitation: strikes or lockouts; acts of public enemies; insurrections; riots; epidemics; lightning; earthquakes; fire; storms; flooding; washouts; drought; arrests; restraint of government and people; civil disturbances or unrest; and explosions.

XXIV. CHILD SUPPORT ENFORCEMENT

Each Provider agrees to cooperate with the County, ODJFS and any other Child Support Enforcement Agency in ensuring that all employees of each Provider meet child support obligations established under applicable law. Further, by executing this Contract, each Provider certifies present and future compliance with any order for the withholding of child support payments that are issued pursuant to Sections 3113.21 and 3113.214 of the Ohio Revised Code.

XXV. PUBLIC RECORDS

Subject to Article XX CONFIDENTIALITY, this Contract is a matter of public record under the laws of the State of Ohio. Each Provider agrees to make copies of this Contract promptly available to any requesting party. Upon request made pursuant to Ohio law, the County shall make available the Contract and all public records generated as a result of this Contract.

By entering this Contract, each Provider acknowledges and understands that records maintained by a Provider pursuant to this Contract may be deemed to be public record and subject to disclosure under Ohio law. Each Provider shall comply with the Ohio public records law.

XXVI. DRUG-FREE WORKPLACE

Each Provider certifies and affirms that it will comply with all applicable state and federal laws regarding a drug-free workplace. Each Provider shall make a good faith effort to ensure that all employees performing duties or responsibilities under this Contract, while working on state, county or private property, will not purchase, transfer, use or possess illegal drugs or alcohol, or abuse prescription drugs in any manner.

XXVII. TEMPORARY ASSISTANCE FOR NEEDY CHILDREN (TANF) PARTICIPANTS

Pursuant to Chapter 5107 of the Ohio Revised Code and Prevention, Retention and Contingency Program established under Chapter 5108 of the Revised Code, each Provider agrees not to discriminate in hiring and promoting against applicants for, and participants in, the Ohio Works First Program. Each Provider also agrees to include such provision in any such contract, subcontract, grant or procedure with any other party, which will be providing services, whether directly or indirectly, to County consumers.

XXVIII. AMENDMENTS

All amendments shall be in writing and executed by all parties. All amendments and changes shall be dated and shall become a part of the original Contract.

XXIX. WAIVER

Any waiver by any party of any provision or condition of this Contract shall not be construed or deemed to be a waiver of any other provision or condition of this Contract, nor a waiver of a subsequent breach of the same provision or condition.

XXX. PROVIDER SOLICITATION OF COUNTY EMPLOYEES

Each Provider warrants that for one (1) year from the beginning of this contract with the County, each Provider and their employees will not solicit the County's employees to work for any Provider. The word "Provider" shall include all staff personnel.

XXXI. MAINTENANCE OF SERVICE

Each Provider certifies the services being reimbursed are not available from the Provider on a non-reimbursable basis or for less than the unit cost and that the level of service existing prior to the contract shall be maintained. Each Provider further certifies that Federal funds will not be used to supplant non-federal funds for the same service.

XXXII. GRIEVANCE PROCESS

Should any Provider have any grievance, it shall be raised and addressed in accordance with the terms and conditions recited in the MOU which is attached hereto.

XXXIV. PROPERTY OF EMPLOYMENT & FAMILY SERVICES

Any item produced under this Contract or with funds provided under this Contract, including any documents, data, photographs and negatives, electronic reports/records, or other media, are the property of the County, which has an unrestricted right to reproduce, distribute, modify, maintain, and use the deliverables. A Provider will not obtain copyright, patent, or other proprietary protection for any deliverables. Each Provider agrees the deliverables will be made freely available to the general public unless the County determines, pursuant to state or federal law, that such materials are confidential.

XXXV DEBARMENT AND SUSPENSION

For contracts valued at greater than \$100,000, the County may not contract with any Provider on the non-procurement portion of the General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs: (hereinafter known as "the List") in accordance with Executive Order 12549 and 12689. By signing this Contract, each Provider warrants that it will immediately notify the County if it is added to the List at any time during the life of this contract. Upon receipt of notice, the County will issue a termination notice in accordance with the terms of the Contract. If a Provider fails to notify the County, then the County reserves the right to immediately suspend payment and terminate the Contract.

XXXVII. ELECTRONIC SIGNATURES

By entering into this Contract, each Provider agrees on behalf of its respective contracting or subcontractors, sub grantees, agents or assigns, to conduct all aspects of this transaction by electronic means by agreeing that all documents requiring County signatures may be executed by electronic means and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. All Providers agree to be bound by the provisions of Chapters 303 and 1306 of the Ohio Revised Code as the chapters pertaining to electronic transactions and to comply with the electronic signature policy of Cuyahoga County.

IN WITNESS HERETO, the parties have executed this contract as of the date below.

COUNTY OF CUYAHOGA, OHIO

BY: _____
Edward FitzGerald, County Executive

DATE: _____

BY: 
Cleveland Foodbank, Inc.

DATE: 8/18/11

XXVIII. AMENDMENTS

All amendments shall be in writing and executed by all parties. All amendments and changes shall be dated and shall become a part of the original Contract.

XXIX. WAIVER

Any waiver by any party of any provision or condition of this Contract shall not be construed or deemed to be a waiver of any other provision or condition of this Contract, nor a waiver of a subsequent breach of the same provision or condition.

XXX. PROVIDER SOLICITATION OF COUNTY EMPLOYEES

Each Provider warrants that for one (1) year from the beginning of this contract with the County, each Provider and their employees will not solicit the County's employees to work for any Provider. The word "Provider" shall include all staff personnel.

XXXI. MAINTENANCE OF SERVICE

Each Provider certifies the services being reimbursed are not available from the Provider on a non-reimbursable basis or for less than the unit cost and that the level of service existing prior to the contract shall be maintained. Each Provider further certifies that Federal funds will not be used to supplant non-federal funds for the same service.

XXXII. GRIEVANCE PROCESS

Should any Provider have any grievance, it shall be raised and addressed in accordance with the terms and conditions recited in the MOU which is attached hereto.

XXXIV. PROPERTY OF EMPLOYMENT & FAMILY SERVICES

Any item produced under this Contract or with funds provided under this Contract, including any documents, data, photographs and negatives, electronic reports/records, or other media, are the property of the County, which has an unrestricted right to reproduce, distribute, modify, maintain, and use the deliverables. A Provider will not obtain copyright, patent, or other proprietary protection for any deliverables. Each Provider agrees the deliverables will be made freely available to the general public unless the County determines, pursuant to state or federal law, that such materials are confidential.

XXXV DEBARMENT AND SUSPENSION

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IN WITNESS HERETO, the parties have executed this contract as of the date below.

COUNTY OF CUYAHOGA, OHIO

BY: _____
Edward FitzGerald, County Executive

DATE: _____

BY: 
Cleveland Foodbank, Inc.

DATE: 8/18/11

BY: David L. Harris
Hunger Network of Greater Cleveland

DATE: 8-29-11

EXHIBIT 1

STATEMENT OF WORK

The County agrees to enter into a contract with the Cleveland Foodbank, Inc. and the Hunger Network of Greater Cleveland, Inc. (jointly referred to as "Providers") for the period of April 1, 2011 through December 31, 2011 to provide food and allocations of funds for 35 Hunger Centers serving needy residents in Cuyahoga County.

34 NCCA
The FB distributes food and non-food items and provide equipment and training to more than 600 member programs that include members of the HN. The FB receives food from national manufacturers, local retailers, local food drives, the USDA, and the State of Ohio. Additionally, the FB purchases select food items to ensure availability of certain staple items.

- I. Funds will be provided to the Hunger Centers identified on the attached list. (Attachment 1). In order to receive food and funds from the FB, each Hunger Center must continue to be in compliance with all standards of operation, including those outlined in existing agreements as well as the standards outlined by Feeding America and the Ohio Department of Job & Family Services.
- II. The Providers, as specifically delineated, shall furnish the following services:
 - A. The FB shall provide administrative oversight of County funds and use them as pre-paid grants to the Hunger Centers so that each Hunger Center may access any product on an Inventory List on an equal basis with the other member agencies located in the County.
 - B. The FB shall provide a diverse inventory of food with a percentage available that is over 74% highly nutritious.
 - C. Provide on-going evaluation of the success of the distribution delineated in this agreement from all appropriate perspectives. Monthly surveys of agencies and clients will be conducted to ascertain trends and other relevant observations. These surveys and reports may include recommendations with possible avenues for improvement or savings regarding products, processes or other areas of interest that arise from any interaction with consumers.
- III. The FB shall submit monthly allocation reports, as outlined in the MOU, with the specific amounts placed in each account, which shall demonstrate the usage of funds.

- IV. The FB shall submit to the County quarterly reports detailing survey results, funds spent and people served, including the following:
- A summary of survey results including recommendations and suggested program changes, if applicable;
 - The cost per pound of food taken by each Hunger Center during each quarter;
 - The total dollars spent by each Hunger Center from the FB;
 - The total number of households served by the Hunger Centers;
 - The number of clients served by the Hunger Centers, broken down by age as follows:

Children (Birth-17)
Adults (18-59)
Seniors (60+)

The quarterly reports shall be issued at the end of July and October of 2011 and January of 2012. It is understood by all parties to this contract that all of the obligations detailed in this section will not be applicable to each Provider. The information sought will be consistent with the obligations and duties delineated in the attached MOU.

- V. Additional requirements of this Contract include:
- A. Periodic meetings of involved agencies and/or stake holders, to answer questions, hear service concerns and address problems or logistic issues that may arise during the term of this contract.
 - B. Regular site visits to Hunger Centers by each Provider;
 - C. Each Provider agrees that it must maintain an accounting system with supporting fiscal records adequate to enable the County to audit and verify the use of funds and delivery of services.
 - D. Submission of a statement of financial position from each Provider, to be submitted by July 31, 2011 and October 31, 2011 and January 31, 2012.

EXHIBIT 2

BUDGET

The County agrees to reimburse FB for the costs described herein to the degree they are determined to be fair and reasonable for the purchase of food for the attached list of Hunger Centers in an amount not to exceed \$817,500.00.

To receive monthly payments, FB must submit an invoice detailing the actual expenses incurred during the billing month with the appropriate supporting documentation.

FB understands that failure to comply with the provisions herein may result in FB refunding amounts received from the County that were in violation of any provisions contained herein.

FB understands that for payment processing, all invoices must be submitted by the 15th of each month to:

Employment & Family Services
1641 Payne Avenue, Room 510
Cleveland, OH 44114
Attn: Larry Ganim
PH: 216-987-8242
Email: ganiml@odjfs.state.oh.us

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (the "Memorandum") records several common understandings between the Cleveland Foodbank (the "FB") and the Hunger Network of Greater Cleveland (the "HN") regarding the support of the 34 Hunger Centers listed on Exhibit A to this Memorandum. The 34 Hunger Centers have agreed to be bound by the HN's operational and nutritional guidelines by executing an Agreement to become a Participating Member of the HN (the "Hunger Centers"). This Memorandum also records several common understandings and strategies for maximizing the utilization of Cuyahoga County (the "County") funds available for emergency food programs. This record of common understandings is not intended to be a legally binding agreement and does not create legally enforceable obligations on either party.

I. INTRODUCTION

The County has asked the HN and the FB to work together towards the common goal of providing food to the people of the County in the best manner possible. The County provides approximately \$1.1 Million Dollars ("County Dollars") annually to purchase food to feed hungry people in the County. While the FB and HN have different strategies as to how best to provide food to hungry people in the County, both agree that working together to achieve a goal of better provision of food to the people of the County is vital. Accordingly, the FB and HN seek to find an arrangement that works for both organizations and ultimately works to provide food to the people of the County in the best manner possible.

II. NEAR TERM UNDERSTANDINGS

A. County Funding and Payment System for Food

- 1 At all stages of emergency food distribution, all parties understand and accept that obtaining more information relevant to the process is a desirable, collaborative approach. Beginning April 1, 2011, FB shall directly receive the County Dollars from the County for distribution to the people of the County through the Hunger Centers. The acquisition and distribution of the food products to appropriate Hunger Centers in Cuyahoga County will continue as has been performed in the past and all parties are committed to working together to provide and distribute food to underserved community populations in Cuyahoga County in the future. The allocation of County funds for the month of April 2011 is set forth on Exhibit A. The parties agree that the appropriate allocation of County Dollars is essential to the maintenance of the safety net for distribution of emergency food for Cuyahoga County's underserved populations. To determine the optimal appropriations for the Hunger Centers, HN will continue its past practice of considering all pertinent information, from all sources, in submitting the allocation figures. HN shall submit the allocation for May of 2011 by April 15, 2011. To adapt to changes in the needs of the Hunger Centers, the parties agree that allocations will be reviewed monthly. Any issues, disputes or concerns about the allocation will be addressed in the manner outlined in Section II(A)(5).
- 2 All billing statements and/or invoices will be addressed by the appropriate party within thirty (30) days of the issuance of the billing statement and/or

invoice. Each party understands and acknowledges that it shall be responsible for any and all expenses and liabilities it may incur that are beyond the allocations of the County. All parties understand and accept that Generally Accepted Accounting Principles will be followed by both FB and HN and all parties must comply with all applicable laws and corporate provisions.

3. Each party agrees that it will provide such supporting documentation in support of all billing statements and/or invoices as may be reasonably requested by the other party.
4. FB and HN agree that they will each continue their past and current operations and are committed to working in a collaborative fashion to serve needy Cuyahoga County consumers.
5. FB and HN agree that should any dispute occur between the parties regarding any issue associated with any portion of this Memorandum, including but not limited to, the distribution of food products to the affected Hunger Centers, the types and nutritional values of the foods distributed, the timing of the distribution of food products, the geographic distribution of food products, or any related dispute, any party may contact James P Boyle, Special Assistant to County Executive Edward FitzGerald and fully explain the nature of the disagreement. Within twenty-four (24) hours of any such notification, Boyle will contact the Executive Director of the non-complaining entity to discuss the matter and seek an immediate

resolution. The parties agree that operations will continue while the issue is being addressed.

B. Availability of Nutritious Food

1. Exhibit B to this Memorandum is a description of the Categories of products currently used by the Hunger Centers to comprise a nutritionally complete offering of emergency meals to their clients (the "Packing List"). An example of a "Category" is "Vegetable, Canned Fruit, Hot Cereal, etc" as listed on the Packing List. A Category is described under the "Menu" headings on the Packing List. The products described on Exhibit C (the "Substitution List") attached to this Memorandum are permitted as substitutions for products on the Packing List. The Substitution List, together with the Packing List, is hereinafter referred to as the "Packing List Products".
2. The FB commits to using its best efforts to having available for the Hunger Centers to order each Category of product included in the Packing List Products so that the Hunger Centers may source all of their requirements for nutritionally complete meals.
3. To measure performance against the County's goals, the following metrics will be used to the extent possible:
 - (a) Frequency and quantity of product availability of Packing List Products.
 - (b) Number of pounds taken from the FB by each Hunger Center.
 - (c) Total dollars spent by each Hunger Center at the FB.

(d) Cost per pound of food taken for each Hunger Center, and for the Hunger Centers in the aggregate, compared with the target average price per pound of 17 cents.

(e) The number of clients served by the Hunger Centers broken down by age as follows:

Children: birth -- 17
Adults: 18 -- 59
Seniors: 60 and older

(f) Total number of households served by the Hunger Centers

4 The parties agree that variability issues, if any, will be addressed between the parties, on a need basis

III. LONGER TERM UNDERSTANDINGS

A. Identifying Other Improvements in the Emergency Food Distribution System

1 Upon execution of this Memorandum, the parties agree to continue to work together, in good faith, to identify other opportunities for improvement to the emergency food distribution system.

2 To achieve this goal, the parties agree to meet again no later than June 1, 2011 (the parties may meet sooner) to discuss other opportunities for improvement to the emergency food distribution system. Such meeting will include the participation of a representative of the County.

3. In preparation for these discussions, each organization will prepare documents answering the following questions:

(a) What does the organization feel today is its role in the emergency food distribution system?

(b) What does the organization feel should be its role in the emergency food distribution system?

(c) What initiatives of the organization would the organization like support from the other organization in its efforts to improve the emergency food distribution system?

(d) What does the organization feel are its core competencies in the emergency food distribution network?

(e) What areas of improvement of the other organization would the organization like to see to assist it in its mission to improve the emergency food distribution system?

4. The parties agree to provide three (3) other times and dates approximately three (3) weeks after the initial meeting to continue discussions regarding improving the emergency food distribution system in the County. During the remainder of 2011, the parties will endeavor to meet at least monthly to discuss improvements to the emergency food distribution system. Such meeting will include the participation of a representative of the County.

IV. MUTUAL NON-DISPARAGEMENT CLAUSE

The Parties understand and acknowledge that FB, HN and the County share a common goal of providing nutritional food to Cuyahoga County residents in the best manner possible.

While each agency may have different visions concerning specific logistical issues, the paramount principle of fighting hunger is shared by all.

While working together to provide food products to the Hunger Centers, all parties agree to not make any statements, written or verbal, or cause or encourage others to make any statements, written or verbal, that defames, disparages or in any way criticizes this Memorandum, the arrangements contemplated by this Memorandum or the conduct of any party, employee, Board Member or director of Cuyahoga County or any party to this Memorandum in connection with this Memorandum or the arrangements contemplated by this Memorandum. Both the FB and the HN acknowledge and agree that this prohibition extends to statements, written or verbal, made to anyone outside of their respective organizations, including but not limited to, the news media, donors, potential donors, volunteers other than board members, industry representatives, other food distribution enterprises, strategic partners, vendors, Cuyahoga County officials and employees, or any employee, volunteer or client at any of the Hunger Centers.

Should any alleged breach of this provision take place, each party understands that it will follow the notification process outlined in Section II(A)(5), above.

V. CONCLUSION

The HN and the FB thank the County for its commitment to combating hunger in our community and for its expenditure of County Dollars to address this serious issue,

By their signature below, each party endorses the common understandings set forth in this Memorandum.

HUNGER NETWORK OF GREATER
CLEVELAND

By: Benjamin F. Rothstein Jr.

Its: President of Board

THE CLEVELAND FOODBANK

By: Wayne R. Hill

Its: BOARD CHAIR

EXHIBIT A

	Hunger Center	Centers Monthly Pre-paid funding for food purchase - April 2011
1	Avon Avenue Baptist Church	\$ 1,500.00
2	Bay Food Ministry	\$ 400.00
3	Bountiful Basement	\$ 4,600.00
4	Bread Basket	\$ 1,200.00
5	Bread of Life	\$ 2,000.00
6	Broadway Hunger Center	\$ 2,500.00
7	Brookside Hunger Center	\$ 3,300.00
8	CACC #2 - Nottingham	\$ 500.00
9	Calvary Lutheran Church	\$ 3,000.00
10	Collinwood Area Church Council	\$ 2,000.00
11	Community Corner Hunger Center	\$ 4,800.00
12	Corinthian Baptist Church	\$ 2,000.00
13	Cory Hunger Center	\$ 6,000.00
14	Euclid Hunger Task Force	\$ 3,700.00
15	Friendly Inn Settlement	\$ 1,300.00
16	Garden Valley EFB	\$ 3,000.00
17	Harvard Community Service	\$ 3,450.00
18	Heights Emergency Food Center	\$ 2,800.00
19	Lakewood Christian Service	\$ 4,000.00
20	Lane Central Hunger Center	\$ 2,000.00
21	Lee Seville/Miles Hunger	\$ 3,500.00
22	Maple Heights Pantry	\$ 2,500.00
23	Mount Haven Baptist Church	\$ 2,800.00
24	Near West Food & Family	\$ 350.00
25	New Cleveland Foodbasket	\$ -
26	New Covenant Lutheran Church	\$ 6,000.00
27	Parma Hunger Center	\$ 4,000.00
28	Redeemer Crisis Center	\$ 3,500.00
29	SCAN Hunger Center Pantry	\$ 700.00
30	Shaker Heights Community	\$ 1,000.00
31	Southeast Clergy Council	\$ 2,400.00
32	St John Kanty	\$ 700.00
33	St Mark's Baptist Church	\$ 3,500.00
34	Triedstone Community Care	\$ 2,500.00
35	Wade Park Cluster-Churches	<u>\$ 2,500.00</u>
	Monthly Total - April 2011	\$ 90,000.00

Exhibit B

CURRENT PACKING LIST

Breakfast Menu
(Choose One)

Juice
Cold Cereal
Milk
Bread

Hot Cereal
Milk
Juice
Bread

Eggs*
Sausage
Bread
Juice

Personal Hygiene Items

Toilet Tissue
Bar Soap
Diapers

Lunch Menu
(Choose Three)

Peanut Butter
Jelly
Soup/Spag. O's

Mac & Cheese
Vegetable

Tuna Fish
Vegetable
Canned Fruit

Chili
Canned Fruit

Dinner Menu
(Choose Four)

Beef Stew
Rice

Spaghetti
Spaghetti Sauce
Green Vegetable
Canned Fruit

Tuna Fish
Tuna Helper
Canned Fruit

Beans
Rice
Canned Vegetable

Hamburger
Hamburger Helper
Canned Vegetable

Chicken
Mac & Cheese
Canned Vegetable

Sliced Beef w/Gravy
Mashed Potatoes
Canned Vegetable

*when available at no cost

Exhibit C

SUBSTITUTIONS

Canned Fruit

Fresh Fruit – Apples, Oranges, Pears

Fruit Juice

Fresh Fruit with Vitamin C

Soup

Spaghetti O's, Chili, Canned Ravioli, any Canned Pasta Item

Tuna Fish

Salmon, Mackerel

Rice

Egg Noodles, Mashed Potatoes, Fresh Potatoes

Hamburger

Ground Turkey, Pork Patties, Chicken, Sliced Beef w/Gravy

Canned Vegetables

Green Beans, Leafy Green Vegetables, Carrots, Corn, Peas, Beets, Mixed Vegetables, Lima Beans and Fresh Vegetables

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0274

Sponsored by: County Executive FitzGerald/County Sheriff	A Resolution _____ the report containing findings and recommendations of Fact-finder Richard P. Gortz regarding 2011 wage re-opener negotiations between the County and the Ohio Patrolmen's Benevolent Association, covering approximately 140 employees in the classification of Deputy at the Sheriff's Department, and declaring the necessity that this Resolution become immediately effective.
---	--

WHEREAS, Cuyahoga County has been engaged in wage re-opener negotiations with the Ohio Patrolmen's Benevolent Association regarding 2011 wage rates for approximately 140 employees in the classification of Deputy at the Sheriff's Department; and,

WHEREAS, O.R.C. 4117.14(C)(3) of the Public Employees Collective Bargaining Act expressly authorizes parties who are engaged in collective bargaining negotiations to request fact-finding, an impasse resolution procedure, and the appointment of a fact-finding panel to assist the parties to resolve an impasse in contract negotiations; and,

WHEREAS, the parties reached impasse in contract negotiations and submitted their unresolved issues to fact-finding pursuant to the CBA and O.R.C. 4117.14 (C), and a fact-finding hearing was conducted on August 16, 2011, before Fact-finder Richard P. Gortz; and,

WHEREAS, O.R.C. 4117.14(C)(6)(a) requires that not later than seven days after the findings and recommendations are sent, the legislative body, by a three-fifths vote of its membership, may reject the recommendations, and if the recommendations are not rejected, the recommendations shall be deemed agreed upon as the final resolution of the issues submitted and a collective bargaining agreement shall be executed between the parties, including the fact-finding panel's recommendations, except as otherwise modified by the parties by mutual agreement; and,

WHEREAS, Pursuant to the CBA and O.R.C. 4117.14(D), if the fact-finding report is rejected by either party, the next step for this bargaining unit of Deputies will be to advance all open issues to binding conciliation, a final offer settlement procedure, pursuant to a board order that is required to be issued forthwith to the parties by the State Employment Relations Board; and,

WHEREAS, Fact-finder Gortz sent his findings and recommendations on September 7, 2011 and the County Executive and Sheriff are recommending that the fact-finding report be _____.

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

SECTION 1. The findings and recommendations of Fact-finder Richard P. Gortz regarding open issues in collective bargaining negotiations between the County and the Ohio Patrolmen's Benevolent Association covering approximately 140 employees in the classification of Deputy at the Sheriff's Department are hereby _____.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

STATE OF OHIO

STATE EMPLOYMENT RELATIONS BOARD

Report and Recommendation of the Fact-Finder

In the Matter of:

Cuyahoga County Sheriff)

and)

Ohio Patrolmen's Benevolent)
Association, Deputies Unit)

Case No. 11-MED-04-0648

APPEARANCES

For the Employer:

Christopher Russ, Assistant Law Director
Cuyahoga County
1215 W. 3rd St.
Cleveland, OH 44113

For the Labor Organization:

Max Rieker, Esq.
OPBA
10147 Royalton Road, Suite J
North Royalton, OH 44133

Fact-Finder:

Richard P. Gortz

Date of hearing: August 16, 2011

Date of Recommendation: September 7, 2011

Introduction

The Cuyahoga County Sheriff's Office ("Employer") and the Ohio Patrolmen's Benevolent Association ("Union", or "Employee Organization"), on behalf of Sheriff Deputies, are parties to a Collective Bargaining Agreement ("CBA"), dated January 1, 2009 through December 31, 2011. The bargaining unit consists of approximately 140 deputy sheriffs assigned to numerous duties, among which are responsibilities for security for buildings of the Cuyahoga County government and the court system, transportation of prisoners, investigation of threats against county official, CCW registration, forensic computer examinations, polygraph testing, and detective crime investigations. Employees in the bargaining unit also participate in SWAT, dive, and Emergency Response Teams, as well as work with the FBI and other law enforcement agencies on various crime teams. Since Cuyahoga County is entirely incorporated, the department is not engaged in day-to-day law enforcement duties within specific geographic areas.

Article 14, Wages, of the CBA states, "Wage rates for 2010 and 2011 shall be determined through wage re-opener negotiation which shall be governed by the same statutory negotiation and impasse resolution procedures as provided in Ohio Revised Code Chapter 4117."

Wage rates for 2010 were set through the final offer conciliation process with Conciliator Nels E Nelson awarding the Union position, which added another step to the wage progression table. This new top step is two percent (2.0%) above the previous step. The effect of this additional step is that all employees in the bargaining unit received an increase in the base rate in calendar year 2010. Those on steps received a scheduled step increase, while those at the top step received the bump of an additional step. Approximately three quarters of the bargaining unit is at the top step.

Negotiation for wages for calendar year 2011 resulted in impasse. The undersigned was selected by the parties as Fact-Finder under the provisions of ORC 4117 to hear the positions of the parties, to find fact and to render an opinion.

The parties submitted pre-hearing statements within the statutory time limits. The evidentiary hearing took place on August 16, 2011 in the offices of the Cuyahoga County Sheriff. The parties agreed that, due to the meeting schedule of the Cuyahoga County Council, the fact-finding report was to be issued on or about September 7, 2011.

In attendance at the hearing were:

For the Public Employer:

Christopher Russ, Assistant Law Director
Deputy Captain Michael J. Jackson
Matthew Rubino, Manager, Office of Management and Budget
Ed Morales, Assistant Law Director
Rose Gheen, Personnel Administrator

For the Labor Organization:

Max Rieker, OPBA Attorney
Deputy Anthony Church, Union Director
Deputy Daniel S. Cipollone, Union Steward
Deputy Linda Graham-Fitch
Deputy Richard Peters, Detective Lt.

ORC 4117.14 encourages Fact-Finders to mediate a settlement prior to hearing evidence. The offer to mediate was not mutually accepted, and hearing on the facts proceeded.

The recommendation of the Fact-Finder is based upon the criteria set forth in Section 4117-9-05(k) of the Ohio Administrative Rules. They are:

- (a) Past collectively bargained agreements, if any, between the parties;

- (b) Comparison of the unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;
- (c) The interest and welfare of the public, and the ability of the public employer to finance and administer the issues proposed, and the effects of the adjustments on the normal standard of public service;
- (d) The lawful authority of the public employer;
- (e) The stipulations of the parties;
- (f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to mutually agreed upon dispute procedures in the public service or in private employment.

The parties agreed that the only issue before the Fact-Finder was wage rates for the year January 1, 2011 through December 31, 2011. In pre-hearing statements, the Employer's position is that wages are to be frozen at 2010 levels. The Union's position is that wages are to be increased 2.75% at each step.

The wage provision of the CBA is as follows:

Article 14. WAGES

2009: There shall be no wage increase for calendar year 2009.

2010-11: Wage rates for 2010 and 2011 shall be determined through wage re-opener negotiations which shall be governed by the same statutory negotiation and impasse resolution procedures as provided in Ohio Revised Code Chapter 4117.

2009 Wage Schedule		2010 wage Schedule*	
<u>ANNUAL</u>	<u>HOURLY</u>	<u>ANNUAL</u>	<u>HOURLY</u>
\$39,501.28	(\$18.9910)	\$39,501.28	(\$18.9910)
\$42,176.37	(\$20.2771)	\$42,176.37	(\$20.2771)
\$44,851.87	(\$21.5634)	\$44,851.87	(\$21.5634)
\$47,526.75	(\$22.8494)	\$47,526.75	(\$22.8494)
\$50,201.84	(\$24.1355)	\$50,201.84	(\$24.1355)
\$52,157.04	(\$25.0755)	\$52,157.04	(\$25.0755)
		\$53,200.18	(\$25.5770)

**Additional step awarded by Conciliator Nelson, 10-MED-07-0879*

Position of the Parties

Position of the Union

The Sheriff's offer of a wage freeze for 2011 is unacceptable. All sheriff departments in the surrounding area have a better wage and benefit package, as do the larger departments in the state. The Sheriff's position of "inability to pay" has no basis in fact. Recent fact-findings in the department have granted wage increases to other bargaining units. An increase of 2.75% across the board is justified.

Deputy Anthony Church testified that the workload of the bargaining unit has increased, with additional duties and cooperative ventures with the FBI, local police, and now with protective services.

During the Union's presentation of finance data, Mr. Rieker entered charts showing that Cuyahoga County's top paid deputies were paid below the average of the surrounding counties (U-1), and when allowances and longevity was included, deputies in were compensated at about 97% of those in Geauga, Lake, Lorain, Medina, Portage and Summit counties. Compared with those in Ohio's next largest largest counties (Franklin and Hamilton), deputies were compensated at approximately 86% of the average. An historical chart (U-6) shows that Cuyahoga County deputies continue to fall behind.

The Union presented the County's 2011 first quarter fiscal report showing that the county ended 2010 with \$12.9 million operating surplus, and that operating revenue exceeded the original 2010 estimate by \$9.5 million. Further, the Fitch Ratings give Cuyahoga County AA+ rating on limited tax general obligations, and AAA on unlimited tax general obligations. This extremely high rating shows that the County is in very good financial condition. Standard and Poor's rates the County similarly, and their report states, "The stable outlook reflects our expectation that the county's proactive financial management and trend of strong reserve levers will continue in

order to mitigate an overall weak economic cycle and reliance more economically sensitive sales tax revenues for operations.”

An analysis of the County’s sales and use tax shows that revenue for 2008 was approximately \$174 million, reduced to \$155 million in 2009 and recovering to \$163 million in 2010. This trend reverses a six year trend of decline. The trend is positive for this revenue stream, indicating that the worst is over. News reports show that job loss has slowed.

The Sheriff’s budget has increased 1.8% from 2010 to 2011 and employment has increased from 1098 FTE’s to 1179.

An analysis of the actual revenue received from 2006 to present, compared with actual expenditure shows that the cumulative surplus during those five years is \$211.1 million, notwithstanding a calculated loss of \$30.3 million in 2010. The County continues to salt away funds while attempting to freeze wages.

The County projects a surplus of \$6.4 million in 2011. This is above the normal and usual carry-over, which is generous itself. Sales tax revenue is positive and increasing. The Deputies are behind similarly situated deputies in adjacent and other larger counties. Conciliators have consistently granted increases to the employees of this department. The requested 2.75% increase is also in line with other law enforcement units in the County.

Position of the Employer

Cuyahoga County continues to be mired in the economic doldrums, and does not have “the ability to finance and administer the issues proposed” by the Union. No wage increases were given to non-bargaining employees in 2011, and no increases in wages have been budgeted. Nearly all County bargaining units have agreed to a freeze for the year.

While other employees received furlough days in 2009, 2010 and 2011 to help with balancing the budget, this unit did not agree to any furlough days, except for one comp day in 2009. If this unit had accepted the same number of furlough days as others, it would have resulted in a savings of \$331,000 in two years, or \$165,000 in 2011. A two percent increase in wages for this unit would result in \$171,000 increase in the budget for 2011. The County’s budget does not include any money for wage increases, and the Sheriff’s budget is reduced by 1.5% compared to 2010. In 2009, the budget was reduced by 9.0%.

Any increase in the compensation for this unit will result in a domino effect, since the Lieutenants and Sergeants units have negotiated a differential wage provision in their CBA which is based upon the Deputies wage schedule.

Matt Rubino, County Manager of the County Office of Budget and Management reviewed the budget history and the projections for the balance of 2011 and beyond. He testified that budget cuts were implemented in 2011 due to anticipated revenue losses from property tax, state revenue and other usual sources. 2010 was buoyed by some one-time revenue sources which cannot be forecast for future years. The County has a policy of maintaining a strong budget position and being conservative with budgeting so as not to put the county in a precarious financial situation. Accordingly, \$32 million was cut from the 2011 budget. 2012 will see an additional \$5.8 million reduction in state funding of the county. The county budgeted furlough days for all employees, but nearly one million shortfall to that budget is due to bargaining unit employees not agreeing to the unpaid days.

The value of real property of the county will be appraised in 2011 and be effective in 2012. It is anticipated that there will be a substantial decrease in the assessed value of this property, resulting in less income from those sources in 2012 and beyond.

Cost of living data shows that the median CPI rose 1.6% over the past 12 months. This rather small increase results in lower tax revenue to the county, since social security benefits and PERS pension benefit increases are smaller, resulting in lower income to county residents. This results in a dampening of sales tax revenue.

Captain Michael Jackson testified that additional duties will be added to the department. County Executive FitzGerald is increasing the patrol division, and has asked Sheriff Reid to transition to more law enforcement activities than in the past. Twenty-eight new deputies are to be hired. Ten of those will be involved in downtown Cleveland patrol and assisting suburban police departments with traffic control and crime investigation and mitigation. Some of the new-hires will be assigned to the new juvenile court facility opening later this year.

Egdilio Morales, County Assistant Law Director introduced documentary evidence showing that of the fifteen bargaining units in the county other than the Sheriff's department, only three received a wage increase in 2010, and two of those received layoffs in return for two percent increases. Non-bargaining employees received no increases in the past four consecutive years. Some units accepted step freezes as well as freezing the base schedule.

Mr. Morales testified that the health benefits for this unit are better than any other in the county. They continue to have first dollar coverage with no co-pay or deductible, with a premium deduction of \$20/pay. When comparing to other Sheriff Office departments, the health benefit must be factored in as part of the compensation, and should be worth an additional \$1,300 per year per employee added to the comparables. When this is done, Cuyahoga deputies are in the middle of the pack with compensation, where they have traditionally been.

Compared with others in the County, the Deputies are paid well, and paid as much as those in other departments for which a masters degree is required.

Under cross examination, Mr. Morales indicated that 21 employees in this unit were laid off in 2008. While county employees were laid off in 2009, the county ran a surplus of \$13 million over its usual target of 25% carry-over. The reason for this surplus is to accommodate cuts that the governor has already announced that he is making to the local government funds.

Approximately 75% of this unit benefited from an additional step increase of 2% ordered by Conciliator Nelson, and those below the top step received their regularly scheduled increase. Accordingly, all employees in the bargaining unit received at least 2% in 2010. County's fiscal problems continue at a level which make pay increases impractical. The County can't afford to give increases to all employees, and it is not fair that some groups receive increases while others do not. It disrupts the internal equity of compensation in the County. While sales tax revenue has rebounded slightly, it is still not up to 2008 levels. State budget cuts will impact the County severely. Accordingly, no increase in compensation is justified for calendar year 2011.

+

Discussion

A serious incongruity has been created by the County administration. It continues to plead inability to pay any wage increases, while proposing to add twenty percent to the bargaining unit workforce (28 additional deputies). Some additional workforce is indeed mandated for security at the new juvenile justice center, however, programs for which the employees are being hired include many which are not mandated, such as community policing programs, downtown Cleveland patrol, and assisting suburban police departments with traffic control and crime prevention. Certainly, the decision to expand the Sheriff's law enforcement programs is rightly solely in the sphere of the County Administration, but to do so at considerable additional cost while pleading inability to pay any wage increases at all for current employees, raises questions as to County priorities.

It is true that the County coffers are not flush, and the economic forecasts are not rosy, but the County has been frugal and managed its finances well as evidenced by its AA+ and AAA bond ratings. Certainly, the County has an obligation to keep its expenses under control while providing mandated services to the community, and it has done so. Any crisis of revenue appears to be past the critical stage with some recovery occurring in the past year. The County claims that the recovery is due to specific one-time windfalls, but as the Union pointed out, windfalls come and go every year. Of course, budgets cannot be predicated on windfalls, but the trend of sales tax increase is not a windfall. It is a positive trend recognized by economist George Zeller, writing for the Plain Dealer, who is also a professor at CSU, and an economic consultant to the County. History shows that the County has managed its finances well, and

should unforeseen revenue decreases appear, those non-mandated community policing programs may be revisited by the County.

Nearly all Ohio counties are having financial difficulties, especially since most revenue is derived from sales tax, real estate tax and various state pass-throughs, all of which have decreased. If we examine the State Employment Relations Board Wage Report for 2010 (latest available), we see that bargaining settlements in the Cleveland area averaged 1.34%, that county contracts averaged .94%, and police units averaged 1.39%. While these are averages, it is clear that public jurisdictions are somehow affording some small increases to employees while facing economic hardship. Equally important to the public employer's duty to provide services to the community it serves, is the duty to treat employees fairly, even under harsh economic circumstances. Services may have to be cut, but those employees who remain must be treated fairly.

The Employer argues that employees of the bargaining unit enjoy a health benefit second to none, for which they pay a small payroll deduction of \$20 per month, and that this benefit should be considered in comparing compensation packages. While this benefit is truly at the high end of the benefits bell curve, the Employer had an opportunity to reopen negotiations on this benefit for 2010 and 2011, but did not. The Employer also makes much of the fact that the bargaining unit did not participate in the unpaid furlough days which non-bargaining and some bargaining units accepted. But that is a benefit to both parties to a three year agreement - neither party is obligated to reopen any issue covered in collective bargaining during its term.

The labor agreement has but four months to live in its current form. The union and management teams will be meeting soon to negotiate for wages, benefits and working conditions for 2012. So as to not unduly burden the County with an unbudgeted back pay liability, and at the same time giving employees modest increase in compensation to counter the increase in cost of living, this Fact-Finder recommends a wage increase of 1.5% for all steps of the wage schedule, effective October 1, 2011. This fourth quarter increase will boost the base wage and lifetime earnings of bargaining unit employees without unduly impacting the 2011 budget of the county. Using the Employer's estimate of a 2% annual increase for this unit costing \$171,000, the recommended increase will add \$31,000 to the 2011 compensation cost – a small impact on the County's law enforcement and safety salary budget of more than \$48 million.

The County points out that any increase in compensation to this group will have a domino effect since the wages of Lieutenants and Captains are based upon a differential from the Deputies wages. Nearly all quasi-military organizations use some differential, whether formal or informal, to determine compensation spread between ranks. The number of Lieutenants and Captains is relatively small when compared to this unit, and although those units recently received pay increases, that fact alone is not sufficient to deny an increase to the Deputy unit.

Recommendation of the Fact-Finder

After duly weighing the evidence presented, and taking into account the criteria established in ORC 4117 and OAR 4117-9-05(k), I hereby recommend that the base wage of employees in the bargaining unit is to be increased by 1.5% effective October 1, 2011. Article 14 shall read as follows:

Article 14. WAGES

2009: There shall be no wage increase for calendar year 2009.

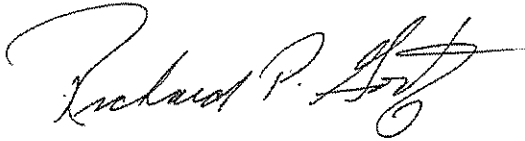
2010-11: Wage rates for 2010 and 2011 shall be determined through wage re-opener negotiations which shall be governed by the same statutory negotiation and impasse resolution procedures as provided in Ohio Revised Code Chapter 4117.

2009 Wage Schedule		2010 wage Schedule*	
<u>ANNUAL</u>	<u>HOURLY</u>	<u>ANNUAL</u>	<u>HOURLY</u>
\$39,501.28	(\$18.9910)	\$39,501.28	(\$18.9910)
\$42,176.37	(\$20.2771)	\$42,176.37	(\$20.2771)
\$44,851.87	(\$21.5634)	\$44,851.87	(\$21.5634)
\$47,526.75	(\$22.8494)	\$47,526.75	(\$22.8494)
\$50,201.84	(\$24.1355)	\$50,201.84	(\$24.1355)
\$52,157.04	(\$25.0755)	\$52,157.04	(\$25.0755)
		\$53,200.18	(\$25.5770)

2011 Wage Schedule (effective October 1, 2011)

<u>ANNUAL</u>	<u>HOURLY</u>
\$40,093.80	\$19.2759
\$42,809.02	\$20.5813
\$45,524.65	\$21.8869
\$48,239.65	\$23.1921
\$50,954.87	\$24.4975
\$52,939.40	\$25.4516
\$53,998.18	\$25.9607

Entered this seventh day of October, 2011 in Pepper Pike, Ohio:

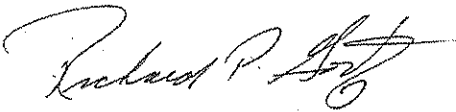


Richard P. Gortz
Fact-Finder

Certificate of Service

I hereby certify that an exact copy of this Fact-Finder's Report was transmitted this day by electronic email to Max Rieker of the OPBA, Christopher Russ, Assistant Law Director of Cuyahoga County and Mary Laurent of the Ohio State Employment Relations Board.

September 7, 2011



Richard P. Gortz, Fact-Finder

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0275

Sponsored by: County Executive FitzGerald/Department of Public Works/County Engineer	A Resolution approving Right-of-Way plans as set forth in preliminary Right-of-Way Plat M-5010 for the reconfiguration of the Warrensville Center Road/Van Aken Boulevard/Chagrin Boulevard/Northfield Road intersection in the City of Shaker Heights and the Village of Highland Hills; authorizing the County Executive to acquire the necessary Right-of-Way; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Public Works has prepared and submitted preliminary Right-of-Way Plat No. M-5010 for the reconfiguration of the Warrensville Center Road/Van Aken Boulevard/Chagrin Boulevard/Northfield Road intersection in the City of Shaker Heights and the Village of Highland Hills and has recommended its approval; and,

WHEREAS, since August 17, 2011, and continuing until the present, the Department of Public Works has posted and provided continuous notice of the following on its website:

- 1) The Department of Public Works has submitted preliminary Right-of-Way Plat No. M-5010 for County Council approval and that the same is available for viewing on said website;
- 2) The Department of Public Works intends to acquire right-of-way for said improvement;
- 3) As part of the Right-of-Way Plat No. M-5010, the Department of Public Works will be seeking a finding that no special assessments will be levied nor collected to pay for any part of the County's costs of said improvement;
- 4) That the Department of Public Works will be seeking that the Resolution approving the Right-of-Way Plat No. M-5010 be passed with the declaration that the Resolution become immediately effective;
- 5) That a First Reading of the Resolution approving the Right-of-Way Plat No. M-5010 will be made by the Cuyahoga County Council on September 13, 2011 at 6:00 p.m.;
- 6) General Public access and ability to review the preliminary Right-of-Way Plat No. M-5010 is provided via an electronic link as indicated; and,

WHEREAS, the construction surveys, plans, profiles, cross sections, estimates of cost, and/or specifications of said improvement will be submitted to Council for approval prior to the improvement going out to bid; and,

WHEREAS, the current estimated total cost of the right-of-way acquisition is \$6,000,000.00. The acquisition will be funded as follows: 80% (\$4,800,000.00) will be funded through Federal and Issue 1 dollars with \$2,800,000.00 in Federal funds and \$2,000,000.00 in Issue I funds; and, 20% (\$1,200,000.00) will be funded locally by the City of Shaker Heights; and,

WHEREAS, because Federal funds are being utilized for the Right-of-Way acquisition, the County is required to keep on schedule for the project in order to maintain project funding deadlines, and Right-of-Way acquisition cannot begin until authority is granted.

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

SECTION 1. That preliminary Right-of-Way Plat No. M-5010 for said improvement is hereby approved.

SECTION 2. That the County Executive through the Department of Public Works is hereby authorized to acquire the right-of-way necessary for said improvement.

SECTION 3. That special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement.

SECTION 4. That all proceedings relative to Right-of-Way Plat No. M-5010 are hereby ordered copied into the Road Record of the County by the Department of Public Works and copied into all other proper records of the County by the Fiscal Officer as required by law.

SECTION 5. That the Clerk of Council is hereby directed to transmit a copy of this Resolution upon its approval by the County Executive to Bonita Teeuwen, P.E., Director of Public Works.

SECTION 6. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to assure that work on the improvement can commence during the prime construction season. Otherwise, any delay in commencement of the work may cause delay to the work and result in significant cost increases 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 7. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

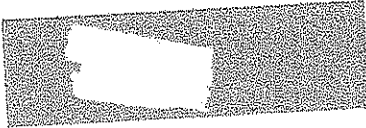
Date

Clerk of Council

Date

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

Journal _____
_____, 2011



Item Details:

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

SUMMARY OF REQUESTED ACTION:

Department of Public Works submitting preliminary Right-of-Way Plat No. M-5010 for approval, seeking authorization for the acquisition of required property, requesting a finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of this improvement, which is the reconfiguration of the Warrensville Center Road/Van Aken Boulevard/Chagrin Boulevard/Northfield Road intersection, in the City of Shaker Heights and the Village of Highland Hills, and asking for the resolution to be made effective immediately upon approval because federal funds are being utilized for right-of-way and construction and we need to keep the schedule of the project in order to maintain project funding deadlines. Right-of-way acquisition cannot begin until authority is granted. A copy of preliminary Right-of-Way Plat M-5010 is attached hereto.

Resolution 085012, adopted on 12/11/08, declared the Convenience and Welfare of this project. The agreements of cooperation between the County and the City of Shaker Heights and the County and the Village of Highland Hills were approved by Resolutions 091406 [adopted on 4/16/09] and 103703 [adopted on 9/8/10], respectively.

The current estimated total cost of right-of-way acquisition is \$6,000,000.00. The acquisition will be funded as follows: 80% Federal and Issue I (\$2,800,000 Federal + \$2,000,000 Issue I = \$4,800,000); and, 20% Local (\$1,200,000 Shaker Heights).

The County will manage the property acquisition. For all of the foregoing reasons, the Department of Public Works is submitting preliminary Right-of-Way Plat No. M-5010 for approval, seeking authorization for the acquisition of required property, requesting a finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of this improvement, which is the reconfiguration of the Warrensville Center

Road/Van Aken Boulevard/Chagrin Boulevard/Northfield Road intersection, in the City of Shaker Heights and the Village of Highland Hills, and asking for the resolution to be made effective immediately upon approval because federal funds are being utilized for right-of-way and construction and we need to keep the schedule of the project in order to maintain project funding deadlines. Right-of-way acquisition cannot begin until authority is granted.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Purpose/Outcome - To obtain authority to begin acquisition of needed property for the reconfiguration of the Warrensville Center Road/Van Aken Boulevard/Chagrin Boulevard/Northfield Road intersection, in the City of Shaker Heights and the Village of Highland Hills.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source: Explanation:

Other

Total Amount Requested:

\$

ATTACHMENTS:

Click to download

[Preliminary Right-of-Way Plat M-5010](#)

History

Time

Who

Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0276

Sponsored by: County Executive FitzGerald/ Department of Development	A Resolution authorizing a Neighborhood Stabilization Program II loan in the amount not-to-exceed \$1,900,000.00 to Circle East Townhomes, LLC, for a project located at 12501 Euclid Avenue, East Cleveland; authorizing the Department of Development Deputy Chief or Director to execute all documents required in connection with said loan on behalf of the County Executive; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Development is hereby recommending a Neighborhood Stabilization Program (NSP) loan in the amount not-to-exceed \$1,900,000.00 to Circle East Townhomes, LLC to construct twenty (20) townhome style apartments at 12501 Euclid Avenue in the City of East Cleveland; and

WHEREAS, the loan of federal Neighborhood Stabilization Program funds will leverage more than \$4 million of additional public and private funding, to build twenty (20) new townhomes in the strategically important "Circle East" neighborhood, located on Euclid Avenue just east of Cleveland; and

WHEREAS, the Circle East neighborhood is one of the five suburban areas targeted for housing investments with Cuyahoga County's share of the \$42,000,000.00 million Neighborhood Stabilization Program 2 grant; and

WHEREAS, University Circle, Inc. owns the land and has entered into an agreement with the Finch Group as the developer to create Circle Townhomes, LLC, a limited liability corporation organized for the purpose of developing and constructing rental housing; and

WHEREAS, once constructed, the property will provide twenty (20) rental housing units of which twelve (12) will serve those households whose incomes do not exceed 120% of the HUD approved area median income; and

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

SECTION 1. That the County Council hereby approves of and authorizes a Neighborhood Stabilization Program (NSP) loan in the amount not to exceed \$1,900,000.00 to Circle East Townhomes, LLC, for a project located at 12501 Euclid Avenue, East Cleveland, Ohio.

SECTION 2. That the Department of Development Deputy Chief or Director is authorized to execute all documents required in connection with said loan agreement on behalf of the County Executive.

SECTION 3. It is necessary that this Resolution become immediately effective in order to allow all external funding to close in an expeditious manner so that construction can begin during favorable weather conditions and the federal stimulus funds can be expended by their legal deadline. Provided that this Resolution receives the affirmative vote of eight members Council, this Resolution shall become immediately effective up 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 any of its committees that resulted 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

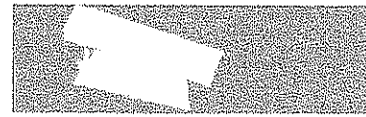
Date

Clerk of Council

Date

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Department of Development	Agency/Dept. Head Name:	Larry Benders, Director
Type of Request:	Other		
Request Prepared by:	Sara Parks Jackson	Telephone No.	216-443-8160
SUMMARY OF REQUESTED ACTION:			
<p>Recommending a loan of federal Neighborhood Stabilization Program 2 funds to Circle East Townhomes, LLC in the amount not-to-exceed \$1.9 million, to construct 20 townhome style apartments at 12501 Euclid Avenue in the city of East Cleveland; requesting authority for the Director or Deputy Director of the Department of Development to execute all documents required in connection with said loan. Requesting passage under suspension of rules upon second reading, effective immediately, to allow all external funding to close in an expeditious manner so that construction can begin during favorable weather and federal stimulus funds can be expended by their legal deadline.</p>			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
<p>This loan of federal Neighborhood Stabilization Program funds will leverage more than \$4 million of additional public and private funding, to build 20 new townhouses in the strategically important "Circle East" neighborhood, located on Euclid Avenue just east of Cleveland. The "Circle East" neighborhood is one of five suburban areas targeted for housing investments with Cuyahoga County's share of the \$42 million Neighborhood Stabilization Program 2 grant.</p>			
<p>Circle East Townhome Apartments will be located at 12501 Euclid Avenue, East Cleveland. University Circle, Inc owns the land and has entered into an agreement with The Finch Group as developer to create Circle East Townhomes, LLC, a limited liability corporation organized for the purpose of developing and constructing rental housing. Once constructed the property will provide 20 rental housing units of which 12 must serve those households whose incomes do not exceed 120% of the HUD approved area median income.</p>			
<p>In addition to the county's participation the project will be funded as follows:</p>			

Cuyahoga County - \$1.9 million
PNC Bank- \$1.2 million
County Landbank - \$1 million
Owner deferrals - \$520,000
Owner Equity - \$200,000
City of East Cleveland - \$150,000

Principal Owners: The Finch Group, Wesley Finch, Chairman

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source:	Explanation:
Federal	Neighborhood Stabilization Program 2

Total Amount Requested:
\$1,900,000.00

ATTACHMENTS:

[Click to download](#)

No Attachments Available

History
Time

Who
Clerk of the Board

Approval

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0277

<p>Sponsored by: County Executive FitzGerald/Department of Human Resources/Human Resource Commission</p>	<p>A Resolution authorizing awards on RQ20292 to various providers for group healthcare benefits for County employees and their eligible dependents, including medical and pharmacy benefit management services for the period 1/1/2012 - 12/31/2014; authorizing plan structures of the standard benefit plans as recommended by the Cuyahoga County Human Resource Commission; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the contracts with the County's healthcare benefits providers expire on December 31, 2011; and,

WHEREAS, the Department of Human Resources and the Department of Procurement and Diversity issued RQ20292 to seek proposals from various providers for group healthcare benefits for County employees and their eligible dependents, including medical and pharmacy benefit management services for the period January 1, 2012 through December 31, 2014; and,

WHEREAS, said proposals have been received and reviewed with the assistance of the County's healthcare benefits consultant, Employee Benefits International, Inc. ("EBI"); and,

WHEREAS, EBI recommended benefits plan structures that were presented to the Human Resource Commission of Cuyahoga County ("HRC") and were adopted by the HRC for recommendation to Council and the County Executive during its September 7, 2011 meeting; and,

WHEREAS, the plan structures recommended by the HRC for the standard benefit plans to cover employees of Cuyahoga County are comparable to the benefits plans provided to employees by other counties in the Northeast Ohio region; and,

WHEREAS, the standard plans recommended by the HRC for the provision of benefits to all employees, unless otherwise restricted by a collective bargaining agreement, contain the following elements: a deductible of \$250 for single coverage and \$500 for family coverage, 90% co-insurance, maximum out-of-pocket costs of \$1500 for single coverage and \$3,000 for family coverage, and various other benefit level and cost containment features comparable to benefit plans offered by other counties in Northeast Ohio; and,

WHEREAS, the healthcare benefits program recommended by the HRC also contains a wellness incentive and smoking cessation component wherein employees can earn money in a health reimbursement account to use towards their deductibles or, for participants in the MetroHealth Plan, to receive back as a monetary incentive; and,

WHEREAS, the State Employment Relations Board recently released its 19th Annual Report on the Cost of Health Insurance in Ohio's Public Sector which confirms that the recommended structure for the County's standard plan is consistent with the overwhelming majority of plans offered by political subdivisions throughout the State of Ohio;

WHEREAS, the HRC has endorsed EBI's recommendation that awards on RQ20292 be made to various providers for group healthcare benefits for County employees and their eligible dependents, including medical and pharmacy benefit management services for the period January 1, 2012 through December 31, 2014; and,

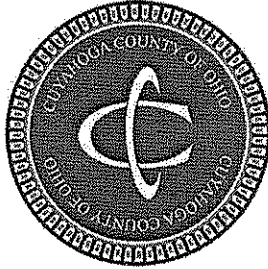
WHEREAS, it is necessary that this Resolution become immediately effective to ensure the efficient operation of the County and so that open enrollment may proceed in October as planned.

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

SECTION 1. That the standard healthcare benefit plan structure recommended by the HRC for provision of benefits to all employees, unless otherwise restricted by an existing collective bargaining agreement, be adopted which shall include a deductible of \$250 for single coverage and \$500 for family coverage, 90% co-insurance, maximum out-of-pocket costs of \$1500 for single coverage and \$3,000 for family coverage, a wellness incentive program, and various other benefit level and cost containment features comparable to benefit plans offered to employees by other counties in Northeast Ohio.

SECTION 2. That awards on RQ20292 be, and the same are hereby made to various providers for group healthcare benefits for County employees and their eligible dependents, including medical and pharmacy benefit management services for the period January 1, 2012 through December 31, 2014 as follows:

- 1) Medical Mutual, LLC, in the amount not-to-exceed \$92,093,992.00.
- 2) United HealthCare Insurance Company in the amount not-to-exceed \$94,194,221.00.
- 3) Kaiser Foundation Health Plan of Ohio in the amount not-to-exceed \$26,113,651.00.
- 4) Caremark PCS Health LLC Prescription Drug Plan in the amount not-to-exceed \$33,070,329.00.



Cuyahoga County Executive
Edward FitzGerald

MEMORANDUM

TO: County Executive and County Council

FROM: Elise Hara, Director of HR & Employment Counsel

DATE: September 9, 2011

RE: Recommendation of Award for Benefits Providers

The Department of Human Resources is requesting approval of awards for employee group medical and prescription drug benefits for eligible employees and their dependents for the time period January 1, 2012 through December 31, 2014.

The following vendors were selected subsequent to RQ20292:

- 1) Medical Mutual, LLC, in an amount not-to-exceed \$92,093,992.00.
- 2) United HealthCare Insurance Company in the amount not-to-exceed \$94,194,221.00.
- 3) Kaiser Foundation Health Plan of Ohio in the amount not-to-exceed \$26,113,651.00.
- 4) Caremark PCS Health LLC Prescription Drug Plan in the amount not-to-exceed \$33,070,329.00.

An internal review committee which utilized a Loaned Executive from Eaton Corp., in conjunction with consultant Employee Benefits International, Inc. reviewed all responses to the RFP and attended presentations by the vendors. Vendors were scrutinized and vetted on the following points:

- all vendors were vetted for low cost administrative services
- integration capabilities with wellness vendors
- ability to manage claims costs

In addition, significant data analysis was conducted around the following:

Department of Human Resources
1219 Ontario Street, Room 417, Cleveland, Ohio 44113
Phone (216) 443-7190, FAX (216) 443-5858

- Hospital specific discount testing
- Physician and member disruption and financial arrangement

United HealthCare Insurance Company, Medical Mutual Services LLC, Kaiser Foundation Health Plan of Ohio, and Caremark PCS Health LLC are all corporations.

EBI recommended benefits plan structures that were presented to the Human Resources Commission of Cuyahoga County ("HRC") and were adopted by the HRC for recommendation to Council and the County Executive during its September 7, 2011 meeting.

The standard plans recommended by the HRC for the provision of benefits to all employees, unless otherwise required by a collective bargaining agreement, contain the following elements: a deductible of \$250 for single coverage and \$500 for family coverage, 90% co-insurance, maximum out-of-pocket costs of \$1500 for single coverage and \$3,000 for family coverage, and various other benefit level and cost containment features comparable to benefit plans offered by other counties in Northeast Ohio.

The healthcare benefits program recommended by the HRC also contains a wellness incentive and smoking cessation component wherein employees can earn money in a health reimbursement account to use towards their deductibles or, for participants in the MetroHealth Plan, to receive back as a monetary incentive.

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

Contractor: Kaiser Foundation Health Plan of Ohio

Contract No.: CE 0900346-01

Time Period: 1/1/09-12/31/09

Service Description: Kaiser Foundation Health Plan of Ohio-HMO Plan provides health insurance through their HMO network for County employees and their dependents, processes claims and provides customer service.

Original Contract Amount: \$12,462,740.00 & 1,474,330.00 & 10,879,689.36

Performance Indicators: Accuracy and speed of response in replying to employee concerns, processing claims and payment of claims.

Actual performance versus performance indicators (include statistics): Claims payments and processing are within the industry parameters as are response times.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: We have consistently received very few complaints about Kaiser and their services.

**Eleanor Haugh, BOCC/HR/Benefits
User Department**

**9/9/2011
Date**

s:evaluation

**BOARD OF CUYAHOGA COUNTY COMMISSIONERS
CONTRACT EVALUATION FORM**

**(To be completed in its entirety by user department for
all contract renewals or amendments.)**

Contractor: Health Action Council Ohio (CaremarkPCS Health)

Contract No.: CE 0900343-01

Time Period: 1/1/09-12/31/11

Service Description: Health Action Council Ohio (HAC) through CaremarkPCS Health provides prescription drugs through their extensive network for County employees and their dependents and processes claims.

Original Contract Amount: \$31,873,986.00

Amendment Amounts: \$4,800,000.00

Performance Indicators: Accuracy and speed of response in replying to employee concerns, processing claims and payment of claims.

Actual performance versus performance indicators (include statistics): Claims payments and processing are within the industry parameters as are response times.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Caremark has gone out of their way to help employees with their concerns.

**Eleanor Haugh, BOCC/HR/Benefits
User Department**

**9/9/2011
Date**

s:evaluation

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

Contractor: Medical Mutual Services, LLC (MetroHealth Select Plan)

Contract No.: CE 0900344-01

Time Period: 1/1/09-12/31/11

Service Description: Medical Mutual of Ohio provides medical benefits to our employees and their dependents and pays claims incurred by same.

Original Contract Amount: \$29,481,942.00

Amendment Amounts: \$0

Performance Indicators: Timely processing and payment of medical claims and resolution of eligibility issues

Actual performance versus performance indicators (include statistics): As we are now self insured, Medical Mutual pays our claims and we reimburse them. As part of this process, they monitor the necessity of procedures and length of stay, etc. Claims are paid within the timelines dictated by the contract. All eligibility issues have been resolved within 48 hours.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Self insurance allows Cuyahoga County the flexibility to override decisions made by Medical Mutual as to allowable procedures, payment of claims, appeals, etc. Although the MetroHealth Select Plan is relatively new, there have been some incidents usually related to employees not understanding the plan parameters.

Eleanor Haugh, BOCC/HR/Benefits
User Department

9/9/2011
Date

s:evaluation

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

Contractor: Medical Mutual Services, LLC (SuperMed EPO Plan)

Contract No.: CE 0900345-01

Time Period: 1/1/09-12/31/11

Service Description: Medical Mutual of Ohio provides medical benefits to our employees and their dependents and pays claims incurred by same.

Original Contract Amount: \$67,357,251.00

Amendment Amounts: \$0

Performance Indicators: Timely processing and payment of medical claims and resolution of eligibility issues

Actual performance versus performance indicators (include statistics): As we are now self insured, Medical Mutual pays our claims and we reimburse them. As part of this process, they monitor the necessity of procedures and length of stay, etc. Claims are paid within the timelines dictated by the contract. All eligibility issues have been resolved within 48 hours.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Self insurance allows Cuyahoga County the flexibility to override decisions made by Medical Mutual as to allowable procedures, payment of claims, etc. Since 1/1/05 when we became self insured, there have only been 7 instances of overrides.

**Eleanor Haugh, BOCC/HR/Benefits
User Department**

**9/9/2011
Date**

s:evaluation

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

Contractor: United HealthCare Insurance Company

Contract No.: CE 0900315-01

Time Period: 1/1/2009-12/31/2011

Service Description: United HealthCare Insurance Company (UHC) provides health insurance through their dual network for County employees and their dependents, processes claims and provides stop loss insurance.

Original Contract Amount: \$76,863,849.00

Amendment Amounts: \$7,000,000.00

Performance Indicators: Accuracy and speed of response in replying to employee concerns, processing claims and payment of claims.

Actual performance versus performance indicators (include statistics): Claims payments and processing are within the industry parameters as are response times.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: We have gotten favorable feedback from employees regarding UHC, especially since they can utilize both networks.

**Eleanor Haugh, BOCC/HR/Benefits
User Department**

**9/9/2011
Date**

s:evaluation

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

Contractor: United HealthCare Insurance Company

Contract No.: CE 0900313-01

Time Period: 1/1/2009-12/31/2011

Service Description: United HealthCare Insurance Company (UHC) provides health insurance through their dual network for County employees and their dependents, processes claims and provides stop loss insurance.

Original Contract Amount: \$2,688,340.00

Amendment Amounts: \$0

Performance Indicators: Accuracy and speed of response in replying to employee concerns, processing claims and payment of claims.

Actual performance versus performance indicators (include statistics): Claims payments and processing are within the industry parameters as are response times.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: This plan has fewer employees and we have not heard any negative feedback.

Eleanor Haugh, BOCC/HR/Benefits
User Department

9/9/2011
Date

s:evaluation

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0278

Sponsored by: County Executive FitzGerald on behalf of Juvenile Court	A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period 1/1/2010 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, the County Executive/Juvenile Court has requested approval of amendments to various contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period of 1/1/2010 – 12/31/2011 providing for additional funds; and,

WHEREAS, these agreements are for the purpose of providing funding for residential treatment services for youth who are at risk of violating their terms of probation, need a positive residential treatment experience, and can benefit from extensive aftercare services and community based programs provided by the Youth and Family Community Partnership; and,

WHEREAS, the performance of each of the eight selected providers have been evaluated and each provider received satisfactory ratings based upon evaluation indicators for the prior period of 1/1/2010 – 6/30/2011; and,

WHEREAS, funding for these amendments to contracts is provided through the General Fund as special revenue funding; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order for the Youth and Family Community Partnership Program to continue their direct services for youth who need services from the various providers.

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

SECTION 1. The County Executive is hereby authorized to enter into an amendment to the contracts for the period of 1/1/2010 – 12/31/2011 providing additional amounts of funds set forth below as follows:

- 1) No. CE1000125-01 with Applewood Centers, Inc. in the amount not-to-exceed \$378,605.00.

2) No. CE1000128-01 with Carrington Youth Academy LLC in the amount not-to-exceed \$263,722.58.

3) No. CE1000130-01 with The Cleveland Christian Home Incorporated in the amount not-to-exceed \$44,405.71.

SECTION 2. The County Executive is hereby authorized to enter into an amendment to the contracts for the period of 1/1/2010 – 12/31/2011 providing decreased amounts of funds set forth below as follows:

1) No. CE1000126-01 with Beech Brook to reduce the amount by \$255,168.12.

2) No. CE1000127-01 with Bellefaire Jewish Children's Bureau to reduce the amount by \$509,113.02.

3) No. CE1000129-01 with Catholic Charities Services Corporation (Parmadale) to reduce the amount by \$204,752.21.

4) No. CE1000131-01 with New Directions, Inc. to reduce the amount by \$267,020.00.

5) No. CE1000132-01 with The Village Network to reduce the amount by \$133,993.64.

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

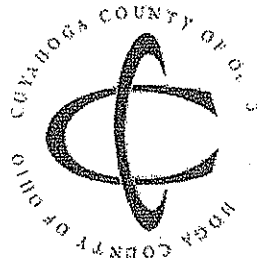
Date

Clerk of Council

Date

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Juvenile Court	Agency/Dept. Head Name:	Marita Kavalec
Type of Request:	Contract/Amendment		
Request Prepared by:	Karen Lippmann	Telephone No.	698-4791
SUMMARY OF REQUESTED ACTION:			
Juvenile Court, submitting amendments to contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period 1/1/2010 - 12/31/2011 for changes in not-to-exceed amounts as listed below:			
a) No. CE1000125-01 with Applewood Centers, Inc. an increase in the amount of \$378,605.00.			
b) No. CE1000126-01 with Beech Brook to reduce the amount by \$255,168.12.			
c) No. CE1000127-01 with Bellefaire Jewish Children's Bureau to reduce the amount by \$509,113.02.			
d) No. CE1000128-01 with Carrington Youth Academy, LLC to increase in the amount of \$263,722.58.			
e) No. CE1000129-01 with Catholic Charities Services Corporation dba Parmadale to reduce the amount by \$204,752.21.			
f) No. CE1000130-01 with The Cleveland Christian Home Incorporated to increase in the amount of \$44,405.71.			
g) No. CE1000131-01 with New Directions, Inc. to reduce the amount by \$267,020.00.			
g) No. CE1000132-01 with The Village Network to reduce the amount by \$133,993.64.			

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Youth and Family Community Partnership provides a reduced stay residential treatment for youth who are at risk of violating their terms of probation and/or need a residential treatment experience to address criminogenic needs and criminal thinking errors. Youth are also given extensive aftercare services and community-based programs to supplement their pro-social behaviors. YFCP services have been created as a result of the closing of the County's Youth Development Center in Hudson, Ohio.

Executive Director of Applewood Centers, Inc. is Melanie Falls, 2525 East 22nd Street, Cleveland, OH 44115. Services are located in Cleveland, Ohio.

Executive Director of Beech Brook is Debra Rex, 3737 Lander Road, Cleveland, OH 44124. Service are located in Pepper Pike, Ohio.

Executive Director of Bellefaire Jewish Children's Bureau is Adam Jacobs, 22001 Fairmount Boulevard, Cleveland, OH 44118. Services are located in Shaker Heights, Ohio.

Executive Director of Catholic Charities Service Corp. dba Parmadale is Maureen Dee, 6753 State Road, Cleveland, OH 44134. Services are located in Parma, Ohio.

Executive Director of The Cleveland Christian Home is David Lundeen, 2202 Prame Avenue, Cleveland, OH 44109. Services are located in Cleveland, Ohio.

Executive Director of The Village Network is James Miller, P. O. Box 518, Smithfield, OH 44677. Services are located in Smithville, Ohio.

Principal owner of Carrington Youth Academy, LLC is Bernard Pawlikowsky. Services are located at 2114 Noble Road, East Cleveland, Ohio.

Executive Director of New Directions, Inc. Michael Matoney. Services are located at 30800 Chagrin Blvd., Pepper Pike, Ohio.

Explanation for late submittal:

Utilization

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source:	Explanation:
General Fund	Special revenue funds

Total Amount Requested:
\$5,839,321.30

ATTACHMENTS:

CUYAHOGA COUNTY
CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: Applewood Centers, Inc.

Contract/Agreement No.: CE1000125 Time Period: 1/1/10 - 12/31/11

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$150,000 00

Prior Amendment(s) Amount(s): \$350,000 00 and \$550,000 00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 18 youth were released from this service provider from 1/1/10 – 6/30/11, 17 successfully released.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families.

Karen Lyman
User Department

8/1/11
Date

s: evaluation

CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: Carrington Youth Academy, LLC

Contract/Agreement No.: CE1000128 Time Period: 1/1/10 - 12/31/11

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$300,000 00

Prior Amendment(s) Amount(s): (\$150,000.00) and \$150,000.00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 5 youth were released from this service provider from 1/1/10 – 6/30/11, 4 successfully released.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families..

Laura Lyman
User Department

8/1/11
Date

s: evaluation

CUYAHOGA COUNTY
CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: The Cleveland Christian Home Incorporated

Contract/Agreement No.: CE1000130 **Time Period:** 1/1/10 - 12/31/11

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$350,000 00

Prior Amendment(s) Amount(s): \$150,000.00 and \$500,000.00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program
6. 100% of YOUTH will be enrolled in an educational/vocational program within 30 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 21 youth were released from this service provider from 1/1/10 – 6/30/11, 15 successfully released.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families.

Karen Lyman
User Department

8/1/11
Date

sr: evaluation

CUYAHOGA COUNTY
CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: Beech Brook

Contract/Agreement No.: CE1000126 Time Period: 1/1/10 - 12/31/11

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$390,000 00

Prior Amendment(s) Amount(s): \$100,000.00 and \$450,000 00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 10 youth were released from this service provider from 1/1/10 -6/30/11, 6 successfully released.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families.

Karen Lyman
User Department

8/1/11
Date

s: evaluation

CUYAHOGA COUNTY
CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: Bellefaire JCB

Contract/Agreement No.: CE1000127 Time Period: 1/1/10 - 12/31/11

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$475,000.00

Prior Amendment(s) Amount(s): \$25,000.00 and \$500,000.00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 8 youth were released from this service provider from 1/1/10 – 6/30/11, 3 successfully released

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families.

Karen Lyman
User Department

8/1/11
Date

s: evaluation

CUYAHOGA COUNTY
CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: Catholic Charities Services Corp., dba Parmadale

Contract/Agreement No.: CE1000129 **Time Period:** 1/1/10 - 12/31/11

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$280,000.00

Prior Amendment(s) Amount(s): \$295,000.00 and \$500,000.00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program.
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 19 youth were released from this service provider from 1/1/10 – 6/30/11, 16 successfully released

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families.

Karen Lyman
User Department

8/1/11
Date

s: evaluation

CUYAHOGA COUNTY
CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: New Directions, Inc.

Contract/Agreement No.: CE1000131 **Time Period:** 1/1/10 - 12/31/11

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$320,000.00

Prior Amendment(s) Amount(s): (\$47,365 00) and \$250,000.00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program.
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.
14. 70% of YOUTH will not test positive for alcohol and/or drugs within 3 months of successful release from the program.
15. 60% of YOUTH will not test positive for alcohol and/or drugs within 6 months of successful release from the program.
16. 50% of YOUTH will not test positive for alcohol and/or drugs within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 12 youth were released from this service provider from 1/1/10 – 6/30/11, 12 successfully released

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families.

Laura Dwyman
User Department

8/1/11
Date

s: evaluation

CUYAHOGA COUNTY
CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: The Village Network

Contract/Agreement No.: CE1000132 **Time Period:** 1/1/10 - 12/31/11

Service Description: Youth and Family Community Partnership

Original Contract/Agreement Amount: \$335,000.00

Prior Amendment(s) Amount(s): \$300,000.00

Performance Indicators:

1. 75% of adjudicated YOUTH admitted to the program during the contract period will successfully complete the program
2. 75% of adjudicated YOUTH admitted to the program will not recidivate within 6 months of successful release from the program.
3. 75% of adjudicated YOUTH admitted to the program will not recidivate within 12 months of successful release from the program.
4. 100% of the YOUTH and/or their families will be contacted within 48 hours of youth's admission to the program
5. 100% of the YOUTH will be assessed and will have Individualized Service Plans developed for them within 30 days of admission to the program.
6. 100% of YOUTH will be enrolled in an educational/vocational program within 3 days of successful release from program.
7. 100% of YOUTH will demonstrate a drop in the Yo-LSI score at the time of discharge from the VENDOR'S residential facility.
8. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 6 months of successful discharge from the VENDOR'S residential facility.
9. 100% of YOUTH will demonstrate a drop in the Yo-LSI score after 12 months of successful discharge from the VENDOR'S residential facility.
10. 100% of YOUTH discharged on medication will have an appointment with a community-based psychiatrist within 30 days of successful release from program.
11. 70% of YOUTH will not require a psychiatric hospitalization within 3 months of successful release from the program.
12. 60% of YOUTH will not require a psychiatric hospitalization within 6 months of successful release from the program.
13. 50% of YOUTH will not require a psychiatric hospitalization within 12 months of successful release from the program.

Actual performance versus performance indicators (include statistics): 7 youth were released from this service provider from 1/1/10 - 6/30/11, 7 successfully released.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Youth have successfully transitioned from the facility back to their home communities and families.

Karen Lippman
User Department

8/1/11
Date

s: evaluation

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0279

Sponsored by: County Executive FitzGerald/Department of Health and Human Services	A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1100228-01 with AIDS Taskforce of Greater Cleveland, Inc. 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 to change the terms, effective 7/1/2011, and for additional funds in the amount of \$126,944.00; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Health & Human Services has requested approval of the amended Contract No. CE1100228-01 with AIDS Taskforce of Greater Cleveland, Inc. 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, to change the terms, effective 7/1/2011, and for additional funds in the amount of \$126,944.00; and,

WHEREAS, these amendments are necessary to reimburse direct care service providers for core medical and support services to uninsured and underinsured persons living with HIV/AIDS in the federally designated six – county service area; and,

WHEREAS, the contracted services include community-based social services including home delivered meals, housing, and transportation services for PLWH/A; and,

WHEREAS, this selected provider has established a satisfactory performance for compliance with fiscal, program and service standards, health outcomes, number of clients served, number of service units, and meeting clients' emergency needs; and,

WHEREAS, funding for this contract amendment is provided through federal funding of the HRSA; 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:



Item Details:

Agency/Dept. Name:	Administrator's Office/Health Human Services	Agency/Dept. Head Name:	Rick Werner
Type of Request:		Telephone No.	216-635-2938
Request Prepared by:	Laurie Atkins		
SUMMARY OF REQUESTED ACTION:			
Submitting an amendment to Contract No. CE1100228-01 with AIDS Taskforce of Greater Cleveland for direct care services to persons living with HIV/AIDS for the period 3/1/11-2/29/12, and for additional funds in the amount of \$126,944.00 and in the amount not-to-exceed \$241,944.00.			
see attached history for resolution details.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
To reimburse direct care service providers for core medical and support services to uninsured and underinsured persons living with HIV/AIDS in the federally designated six-county service area.			
Tracy Jones - Executive Director			
Explanation for late submittal:			
late receipt of grant award, approval of grant award, grant award sent in several increments			

Contract/Agreement Information:

Procurement Method:	RFP (Request for Proposal)
Explanation for Increase/Decrease in \$ Amount for current request:	grant award received late and in increments

Financial Information:

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

Contractor: AIDS Taskforce of Greater Cleveland

Contract/Agreement No.: CE1100228-01

Time Period: 03/01/2011 – 02/29/2012

Service Description: Community-based social services including home delivered meals, housing, and transportation services for PLWH/A.

Original Contract/Agreement Amount: \$115,000.00

Prior Amendment(s) Amount(s):

Performance Indicators: Compliance with fiscal, program and service standards and health outcomes. Number of clients served, number of service units, and meeting clients' emergency needs.

Actual performance versus performance indicators (include statistics): The provider met most programmatic and fiscal requirements. Quality improvement opportunities were identified.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: The provider continually works to improve on quality and program corrective action items.

Office of HHS/RW

8/5/2011

User Department

Date

s: evaluation

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0280

Sponsored by: County Executive FitzGerald/Department of Health and Human Services	A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1100239-01 with Cleveland Clinic Foundation 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 to change the terms, effective 7/1/2011; to change the scope of services, effective 9/1/2011; and for additional funds in the amount of \$230,220.50; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Health & Human Services has requested approval of the amended Contract No. CE1100239-01 with Cleveland Clinic Foundation 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, to change the terms, effective 7/1/2011; to change the scope of services, effective 9/1/2011, and for additional funds in the amount of \$230,220.50; and,

WHEREAS, these amendments are necessary to reimburse direct care service providers for core medical and support services to uninsured and underinsured persons living with HIV/AIDS in the federally designated six – county service area; and,

WHEREAS, the contracted services include community-based medical and social services for uninsured and underinsured PLWH/A; and,

WHEREAS, this selected provider has established a satisfactory performance for compliance with fiscal, program and service standards, health outcomes, number of clients served, number of service units, and meeting clients’ emergency needs; and,

WHEREAS, funding for this contract amendment is provided through federal funding of the HRSA; and,

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

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

SECTION 1. That the County Executive is hereby authorized to amend Contract No. CE1100239-01 with Cleveland Clinic Foundation 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, to change the terms, effective 7/1/2011; to change the scope of services, effective 9/1/2011, and for additional funds in the amount of \$230,220.50.

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

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

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

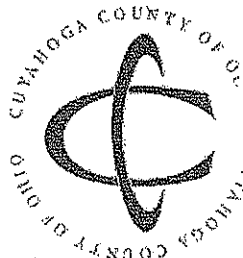
Yeas:

Nays:

_____	_____
County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Administrator's Office/Health Human Services	Agency/Dept. Head Name:	Rick Werner
Type of Request:		Telephone No.	216-635-2938
Request Prepared by:	Laurie Atkins		
SUMMARY OF REQUESTED ACTION:			
Submitting an amendment to Contract No. CE110239-01 with Cleveland Clinic Foundation for for direct care services to persons living with HIV/AIDS for the period 3/1/11-2/29/12, and for additional funds in the amount of \$230,220.50 and in the amount not-to-exceed \$335,757.00. see attached history for resolution details.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
To reimburse direct care service providers for core medical and support services to uninsured and underinsured persons living with HIV/AIDS in the federally designated six-county service area. Cleveland Clinic - Delos Cosgrove, MD - CEO/President			
Explanation for late submittal:			
late receipt of grant award, approval of grant award, grant award sent in several increments			

Contract/Agreement Information:

Procurement Method:	RFP (Request for Proposal)
Explanation for Increase/Decrease in \$ Amount for current request:	grant award received late and in increments

Financial Information:

Funding source:	Explanation:
Federal	HRSA
Total Amount Requested:	
\$230,220.50	

ATTACHMENTS:

- Click to download
- [CCF Amendment, DMA, Campaign](#)
 - [CCF Evaluation](#)
 - [CCF History](#)
 - [BB](#)
 - [Voucher](#)

History Time	Who	Approval
8/18/2011 10:32 AM	Office of Procurement & Diversity	Yes
8/25/2011 9:40 AM	Clerk of the Board	Yes
8/30/2011 2:36 PM	County Auditor	Yes
	County Prosecutor Civil	



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

Contractor: Cleveland Clinic

Contract/Agreement No.: CE1100239-01

Time Period: 03/01/2011 – 02/29/2012

Service Description: Community-based medical and social services for uninsured and underinsured PLWH/A.

Original Contract/Agreement Amount: \$105,536.50

Prior Amendment(s) Amount(s):

Performance Indicators: Compliance with fiscal, program and service standards and health outcomes. Number of clients served, number of service units, meeting clients' emergency needs.

Actual performance versus performance indicators (include statistics): The provider meets most established standards.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: The provider consistently meets quality of care standards for the provision of outpatient primary medical care and related services. The provider actively addresses identified quality improvement opportunities.

HHS/Ryan White Part A Program

8/5/2011

User Department

Date

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0281

Sponsored by: County Executive FitzGerald/Department of Health and Human Services	A Resolution authorizing the County Executive to enter into amendments to contracts with various providers 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 to make budget line item revisions and for additional funds, and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, Health and Human Services has requested approval of amendments to various contracts with various providers 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 to make budget line item revisions and for additional funds; and,

WHEREAS, the purpose of these contracts is to reimburse direct care service providers for core medical and support services to uninsured and underinsured persons living with HIV/AIDS in the federally designated six-county service area; and,

WHEREAS, it is necessary that this Resolution become immediately effective in order for the Youth and Family Community Partnership Program to continue their direct services for youth who need services from the various providers.

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

SECTION 1. The County Executive is hereby authorized to enter into amendments to the contracts with various providers 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 to make budget line item revisions and for additional funds, as listed below:

- 1) Contract No. CE1100241-01 with MetroHealth Medical Center to change the scope of services, effective 3/1/2011, in the amount of \$477,273.00.

2) Contract No. CE1100360-01 with Nueva Luz Urban Resource Center in the amount of \$97,977.00.

3) Contract No. CE1100361-01 with The Free Medical Clinic of Greater Cleveland in the amount of \$228,005.00.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

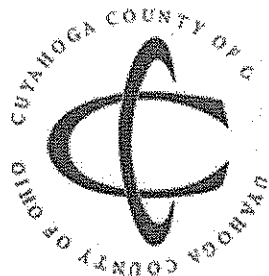
Date

Clerk of Council

Date

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name: Administrator's Office/Health and Human Services **Agency/Dept. Head Name:** Rick Werner

Type of Request: Contract/Amendment

Request Prepared by: Laurie Atkins **Telephone No.:** 216-635-2938

SUMMARY OF REQUESTED ACTION:

Submitting amendments to contracts with various providers for direct care services to persons living with HIV/AIDS for the period 3/1/11-2/29/12, to change scope of service and to make budget line item revisions:

No. CE1100361-01 with The Free Medical Clinic of Greater Cleveland for an increase of funds in the amount of \$228,005.00 and in the amount not to exceed \$328,005.00. Scope of service changes effective 3/1/2011.

No. CE1100360-01 with Nueva Luz Urban Resource Center for increase of funds in the amount of \$97,977.00 in an amount not to exceed \$138,643.00. Scope of service changes effective 7/1/2011.

No. CE110241-01 with MetroHealth Medical Center for increase of funds in the amount of \$477,273.00 in an amount not to exceed \$1,357,868.00. Scope of service changes effective 3/1/2011.

see attached history for resolution details.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

To reimburse direct care service providers for core medical and support services to uninsured and underinsured persons living with HIV/AIDS in the federally designated six-county service area.

Nueva Luz - Rev. Max Rodas, Director
2226 West 89th Street, Cleveland, OH 44102

Free Clinic - Danny Williams, Executive Director
12201 Euclid Avenue, Cleveland, Ohio 44106

Explanation for late submittal:

Late and fragmented receipt of grant award

Contract/Agreement Information:

Procurement Method:

RFP (Request for Proposal)

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

late and fragmented receipt of grant award

Financial Information:

Funding source: Explanation:

Federal HRSA

Total Amount Requested:

\$803,255.00

ATTACHMENTS:

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- [FC Contract, dma, campaign](#)
- [FC History](#)
- [FC Evaluation](#)
- [Metro Amendment](#)
- [Metro History](#)
- [Metro Evaluation](#)
- [NL Amend, campaign, DMA](#)
- [NL History](#)
- [NL Evaluation](#)
- [MetroHealth BB](#)
- [NuevaLuz BB](#)
- [FreeClinic BB](#)

History

Time

9/9/2011 12:26 PM

Who

Office of Procurement &
Diversity

Clerk of the Board

Approval

Yes

CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: MetroHealth Medical Center

Contract/Agreement No.: CE1100241-01 **Time Period:** 03/01/2011 – 02/29/2012

Service Description: Outpatient medical and social services for uninsured and underinsured PLWH/A.

Original Contract/Agreement Amount: \$880,595.00

Prior Amendment(s) Amount(s):

Performance Indicators: Compliance with fiscal, program and service standards and health outcomes. Number of clients served, number of service units, meeting clients' emergency needs.

Actual performance versus performance indicators (include statistics): The provider meets most established standards.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: The provider consistently meets quality of care standards for the provision of outpatient primary medical care and related services. The provider actively addresses identified quality improvement opportunities.

Office of HHS/ Ryan White Part A

8/5/2011

User Department

Date

s: evaluation

CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: Nueva Luz Urban Resource Center

Contract/Agreement No.: CE1100360-01 **Time Period:** 3/01/11 – 2/29/2012

Service Description: Medical Case Management services.

Original Contract/Agreement Amount: \$40,666.00

Prior Amendment(s) Amount(s):

Performance Indicators: Compliance with fiscal, program and service standards and health outcomes. Number of clients served, and meeting clients' emergency needs.

Actual performance versus performance indicators (include statistics): The provider consistently meets or exceeds all minimum required standards.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: The provider consistently meets or exceeds all minimum required standards.

Office of HHS/RW Part A

8/5/2011

User Department
s: evaluation

Date

CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
all contract/agreement renewals or amendments.)

Contractor: Free Medical Clinic of Greater Cleveland, The

Contract/Agreement No.: CE1100361-01 **Time Period:** 03/01/2011 – 02/29/2012

Service Description: Community-based medical and social services for uninsured and underinsured PLWH/A.

Original Contract/Agreement Amount: \$100,00.00

Prior Amendment(s) Amount(s):

Performance Indicators: Compliance with fiscal, program and service standards and health outcomes. Number of clients served, number of service units, meeting clients' emergency needs.

Actual performance versus performance indicators (include statistics): The provider met most programmatic and fiscal requirements. Quality improvement opportunities were identified that related to adhering to public health service guidelines and standards of care. Provider has submitted a corrective plan of action for the quality improvement opportunities.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: The provider is actively addressing identified quality improvement opportunities.

Office of HHS/RW Part A

8/5/11

User Department

Date

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0282

Sponsored by: County Executive FitzGerald/Department of Health and Human Services	A Resolution authorizing an award on RQ18597 to Mercy Regional Medical Center in the amount of \$252,681.00 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.
--	--

WHEREAS, the Department of Health and Human Services has recommended an award on RQ18597 to Mercy Regional Medical Center in the amount of \$252,681.00 for medical and 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; and,

WHEREAS, the purpose of this grant award is to reimburse direct care service providers for core medical and support services to uninsured and underinsured persons living with HIV/AIDS in the federally designated six-county service area; and,

WHEREAS, the Providers were selected based on committee review of information submitted and amounts of awards are based Planning Council allocation of funds in each service category, total amount of the FY2011 award, provider overall proposal score, and budget negotiations of proposed services; 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 division.

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 award RQ18597 and to enter into contract with Mercy Regional Medical Center in the amount of \$252,681.00 for direct care services to persons living with HIV/AIDS for the period March 1, 2011 – February 29, 2012.

SECTION 2. That the County Executive is authorized to execute all documents required in connection with said contract.

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

SECTION 4. It is found and determined that all formal actions of the 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 any of its committees in connection with such formal action were in meetings open to the public, in compliance with the 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:	Administrator's Office/Health and Human Services	Agency/Dept. Head Name:	Rick Werner
Type of Request:	Award Recommendation		
Request Prepared by:	Laurie Atkins	Telephone No.	216-635-2938
SUMMARY OF REQUESTED ACTION:			
Recommending an award on RQ18597 to Mercy Regional Medical Center in the amount of \$252,681.00 for direct care services to persons living with HIV/AIDS for the period March 1, 2011 - February 29, 2012. (Resolution No. 104623 - authority to seek proposals.)			
HRSA, the funding agency, sent the grant award in four parts for FY2011 fiscal year. This is a final award recommendation of partial list of awards submitted previously.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
To reimburse direct care service providers for core medical and support services to uninsured and underinsured persons living with HIV/AIDS in the federally designated six-county service area.			
Providers were selected based on committee review of information submitted. Amounts of awards are based Planning Council allocation of funds in each service category, total amount of the FY2011 award, provider overall proposal score, and budget negotiations of proposed services.			
Edwin M. Oley, President of the Board			
Explanation for late submittal:			
late and fragments receipt of FY2011 grant award			

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source: **Explanation:**

Federal HRSA

Total Amount Requested:

\$252,681.00

ATTACHMENTS:

Click to download

- [OPD Tab forms](#)
- [Evaluation Form](#)
- [Mercy Evaluation](#)
- [Mercy History](#)
- [Mercy Campaign](#)
- [Mercy SOS](#)
- [W-9 \(to show name change from CHP\)](#)
- [RFP](#)
- [Mercy Auditor's Findings](#)
- [Mercy SOS 2](#)

History

Time

Who

Office of Procurement &
Diversity

Approval

**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Health & Human Services/Ryan White Part A **PROPOSAL DUE DATE:** December 3, 2010

RFP TITLE: HIV / AIDS Direct Services **RFP #:** MI - 11 - 18597 **SBE:** N/A

RQ18597

TO BE COMPLETED BY OPD VENDOR NAME & ADDRESS	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	
AIDS Taskforce of Greater Cleveland 3210 Euclid Avenue Cleveland, Ohio 44115						Y
Camp Sunrise P.O. Box 164182 Columbus, Ohio 43216						Y
Care Alliance Health Center 1530 St. Clair Avenue Cleveland, Ohio 44114						Y
Cleveland Clinic Department of Infectious Disease/G21 9500 Euclid Avenue Cleveland, Ohio 44195						Y
Free Medical Clinic of Greater Cleveland, The 12201 Euclid Avenue Cleveland, Ohio 44106						Y

Juanita Williams
Department Signature of Approval 13-16-11
Date

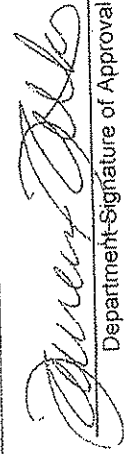
OPD Buyer

**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Health & Human Services/Ryan White Part A PROPOSAL DUE DATE: December 3, 2010

RFP TITLE: HIV / AIDS Direct Services RFP #: MI - 11 - 18597 SBE: N / A

VENDOR NAME & ADDRESS	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					AWARD Y/N	USER DEPT.
	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS		
Healthy Home Care Transportation 29057 Chardon Road Willoughby Hills, Ohio 44095						N	
Hospice of the Western Reserve 300 East 185 th Street Cleveland, Ohio 44119						Y	
Lake County General Health District 33 Mill Street Painesville, Ohio 44077						Y	
Mercy Medical Center 3700 Kolbe Road Lorain, Ohio 44053						Y	
MetroHealth Medical Center 2500 MetroHealth Drive Cleveland, Ohio 44109						Y	


 Department-Signature of Approval 3-16-11 Date

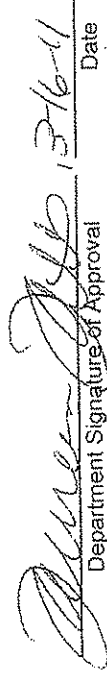
OPD Buyer

**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Health & Human Services/Ryan White Part A PROPOSAL DUE DATE: December 3, 2010

RFP TITLE: HIV / AIDS Direct Services RFP #: MI - 11 - 18597 SBE: N / A

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER				USER DEPT.	
VENDOR NAME & ADDRESS	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Nueva Luz Urban Resource Center 2226 West 89 th Street Cleveland, Ohio 44102						Y
Open Arms Transportation 26111 Brush Avenue Suite 310 Euclid, Ohio 44132						N
Recovery Resources 3950 Chester Avenue Cleveland, Ohio 44114						Y
University Hospitals of Cleveland John T. Carey Special Immunology Unit 11100 Euclid Avenue Cleveland, Ohio 44106						Y


 Department Signature of Approval _____ Date 12/6/11

OPD Buyer _____

FY2011
 RYAN WHITE PROGRAM - PART A
 REP #12387
 Proposal Review
 Overall Scoring

MEDICAL CASE MANAGEMENT	EIS	HORFICE CARE SERVICES	HOUSING SERVICES	OUTPATIENT/ AMBULATORY MED CARE	MENTAL HEALTH SERVICES	HOME DELIVERED MEALS	MEDICAL NUTRITIONAL THERAPY	OBAL HEALTH CARE	AIDS PHARMA ASST	HPP	PSYCHOSOCIAL SUPPORT	OUTREACH	MEDICAL TRANSPORTATION	Total Score	RECOMMEND FOR FUNDING
				PRIMARY CARE											
TOTAL REVIEWERS	5	3	3	4	4	4	4	4	4	4	4	4	4		
TOTAL PROVIDERS	7	1	1	5	2	1	2	3	6	1	4	5	5		
ABD TASK FORCE OF GREATER CLEVELAND						83.00					76.33		84.50	86.67	Y
CAMP SUNRISE CARE ALLIANCE	86.17								92.17			88.17		76.33	Y
CLEVELAND CLINIC FOUNDATION	78.13			77.50				76.50	77.50	74.17				76.30	Y
FREE MEDICAL CLINIC OF GREATER CLEVELAND, THE	80.25			81.50				80.50	81.50					81.05	Y
HEALTHY HOME CARE TRANS RESERVE		92.00											83.17	83.17	N
LEAKE COUNTY GENERAL HEALTH DISTRICT	92.75	87.67					88.33					89.00	92.75	89.33	Y
MERREY MEDICAL CENTER	92.50			89.67					89.67				92.50	90.00	Y
METRO HEALTH MEDICAL CENTER	92.75	90.33		91.33	99.00			91.33	93.33			93.00		81.14	Y
RIEVALTUN	87.17													83.17	Y
OPEN ARMS TRANS RECOVERY RESOURCES	87.50												70.33	83.33	N
UNIVERSITY HOSPITALS	73.67			93.33	96.33		74.00	95.33	93.33			89.67		84.20	Y

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0283

<p>Sponsored by: County Executive FitzGerald/Department of Health and Human Services</p>	<p>A Resolution authorizing an award on RQ18597 to University Hospitals of Cleveland in the amount of \$466,039.00 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.</p>
---	---

WHEREAS, the Department of Health and Human Services has recommended an award on RQ18597 to University Hospitals of Cleveland in the amount of \$466,039.00 for medical and 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; and

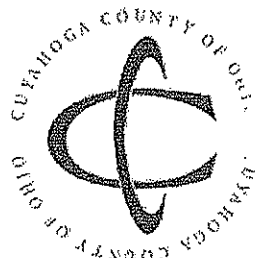
WHEREAS, the purpose of this grant award is to reimburse direct care service providers for core medical and support services to uninsured and underinsured persons living with HIV/AIDS in the federally designated six-county service area; and

WHEREAS, the Providers were selected based on committee review of information submitted and amounts of awards are based Planning Council allocation of funds in each service category, total amount of the FY2011 award, provider overall proposal score, and budget negotiations of proposed services; 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 division.

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 award RQ18597 and to enter into contract with University Hospitals of Cleveland in the amount of \$466,039.00 for direct care services to persons living with HIV/AIDS for the period March 1, 2011 – February 29, 2012.



Item Details:

Agency/Dept. Name:	Administrator's Office/Health Human Services	Agency/Dept. Head Name:	Rick Werner
Type of Request:	Award Recommendation		
Request Prepared by:		Telephone No.	216-635-2938
SUMMARY OF REQUESTED ACTION:			
Recommending an award on RQ18597 to University Hospitals of Cleveland in the amount of \$466,039.00 for direct care services to persons living with HIV/AIDS for the period March 1, 2011 - February 29, 2012. (Resolution No. 104623 - authority to seek proposals.)			
HRSA, the funding agency, has just sent the full award for the FY2011 fiscal year. This is a continuation of partial list of awards submitted previously.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
To reimburse direct care service providers for core medical and support services to uninsured and underinsured persons living with HIV/AIDS in the federally designated six-county service area.			
Providers were selected based on committee review of information submitted. Amounts of awards are based Planning Council allocation of funds in each service category, total amount of the FY2011 award, provider overall proposal score, and budget negotiations of proposed services.			
Fred C. Rothstein, MD, President			
Explanation for late submittal:			
partial and late receipt of FY2011 grant award, processing approval for receipt of three partial grant awards, negotiation with providers			

Contract/Agreement Information:

Procurement Method:

RFP (Request for Proposal)
Explanation for Increase/Decrease in \$ Amount for current request:

Financial Information:

Funding source:	Explanation:
Federal	HRSA
Total Amount Requested:	
\$466,039.00	

ATTACHMENTS:

- Click to download
- [OPD Tab Forms](#)
 - [Proposal Review Scoring](#)
 - [UH evaluation](#)
 - [UH History](#)
 - [UH Campaign](#)
 - [UH SOS](#)
 - [UH Auditor's findings](#)
 - [RFP](#)

History	Who	Approval
Time		
8/18/2011 10:48 AM	Office of Procurement & Diversity Clerk of the Board	Yes

**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

RQ 18597

DEPARTMENT NAME: Health & Human Services/Ryan White Part A PROPOSAL DUE DATE: December 3, 2010

RFP TITLE: HIV / AIDS Direct Services RFP #: MI - 11 - 18597 SBE: N / A

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.	
	VENDOR NAME & ADDRESS	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N		COMMENTS & INITIALS
AIDS Taskforce of Greater Cleveland 3210 Euclid Avenue Cleveland, Ohio 44115							Y
Camp Sunrise P.O. Box 164182 Columbus, Ohio 43216							Y
Care Alliance Health Center 1530 St. Clair Avenue Cleveland, Ohio 44114							Y
Cleveland Clinic Department of Infectious Disease/G21 9500 Euclid Avenue Cleveland, Ohio 44195							Y
Free Medical Clinic of Greater Cleveland, The 12201 Euclid Avenue Cleveland, Ohio 44106							Y

[Signature]
Department Signature of Approval Date: 3-16-11

OPD Buyer

Rfpstab

**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Health & Human Services/Ryan White Part A PROPOSAL DUE DATE: December 3, 2010

RFP TITLE: HIV / AIDS Direct Services RFP #: MI - 11 - 18597 SBE: N / A

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	
Vendor Name & Address Healthy Home Care Transportation 29057 Chardon Road Willoughby Hills, Ohio 44095						N
Hospice of the Western Reserve 300 East 185 th Street Cleveland, Ohio 44119						Y
Lake County General Health District 33 Mill Street Painesville, Ohio 44077						Y
Mercy Medical Center 3700 Kolbe Road Lorain, Ohio 44053						Y
MetroHealth Medical Center 2500 MetroHealth Drive Cleveland, Ohio 44109						Y

[Signature]
Department-Signature of Approval Date 3-16-11

OPD Buyer _____

**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Health & Human Services/Ryan White Part A PROPOSAL DUE DATE: December 3, 2010

RFP TITLE: HIV / AIDS Direct Services RFP #: MI - 11 - 18597 SBE: N / A

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER				USER DEPT.	
VENDOR NAME & ADDRESS	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Nueva Luz Urban Resource Center 2226 West 89 th Street Cleveland, Ohio 44102						Y
Open Arms Transportation 26111 Brush Avenue Suite 310 Euclid, Ohio 44132						N
Recovery Resources 3950 Chester Avenue Cleveland, Ohio 44114						Y
University Hospitals of Cleveland John T. Carey Special Immunology Unit 11100 Euclid Avenue Cleveland, Ohio 44106						Y


 Department Signature of Approval Date

OPD Buyer

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0284

Sponsored by: County Executive FitzGerald /Department of Health and Human Services/Family & Children First Council	A Resolution authorizing the County Executive to enter into a contract with Starting Point in the amount not-to-exceed \$1,000,000.00 for administrative services for the Out-of-School Time Program for MyCom for the period 10/1/2011 - 9/30/2012, and declaring the necessity that this Resolution become immediately effective.
---	--

WHEREAS, Cuyahoga County's Office of Family and Children First Council has requested authorization to enter into a contract with Starting Point in the amount not to exceed \$1,000,000.00 for administrative services for the Out-of-School Time Program for MyCom for the period 10/1/2011 – 9/30/2011; and

WHEREAS, Starting Point provides out of school time opportunities to the eight (8) MyCom neighborhoods and ten (10) Family and Civic Engagement neighborhoods; and

WHEREAS, Starting Point will also provide professional development to train youth workers within the out-of-school time network; and

WHEREAS, A portion of the contract will also include Scenarios USA, which is an organization that uses film making to foster youth leadership.

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

SECTION 1. That the County Executive is hereby authorized to enter into a contract with Starting Point in the amount not to exceed \$1,000,000.00 for administrative services for the Out-of-School Time Program for MyCom for the period 10/1/2011 – 9/30/2012.

SECTION 2. That funds have been certified and encumbered sufficient to fund this contract.

SECTION 3. It is necessary that this Resolution become immediately effective in order to finalize and approve the contract which is due by 10/1/2011 and in order that critical services provided by Cuyahoga County can continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight

members 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 any of its committees that resulted 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

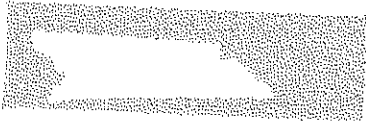
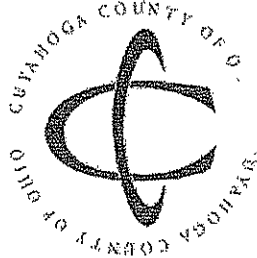
Date

Clerk of Council

Date

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

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Administrator's Office/Family and Children First Council	Agency/Dept. Head Name:	Robin R. Martin
Type of Request:	Contract/Amendment		
Request Prepared by:	Julie A. Fratoe	Telephone No.	(216) 348-3953
SUMMARY OF REQUESTED ACTION:			
Submitting a contract with Child Care and Resource Center of Cuyahoga County (Starting Point) in the amount of 1,000,000.00 for Out-of-School-Time programming for the period 10/1/11 through 9/30/12.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
Starting Point will continue to provide out of school time opportunities to the 8 MyCom neighborhoods and 10 Family and Civic Engagement neighborhoods.			
Starting Point will also provide professional development to train youth workers within the out of school time network. A portion of the contract will also include Scenarios USA which is an organization that uses film making to foster youth leadership. The budget is as follows:			
MyCom: \$387,500.00			
FCE: \$437,000.00			
Youth Development: \$100,000.00			
Scenarios: \$75,000.00			
The total amount of the contract is 1,000,000			
Explanation for late submittal:			

Contract/Agreement Information:

Procurement Method:

Competitive Bid
Explanation for Increase/Decrease in \$ Amount for current request:
decrease in the amount of approximately \$150,000.00 / Budget cuts

Financial Information:

Funding source: **Explanation:**
Other Levy funds
Total Amount Requested:
\$1,000,000.00

ATTACHMENTS:

- Click to download
- [Contract](#)
 - [W-9](#)
 - [Sole Source Ltr](#)
 - [Auditor's Finding](#)
 - [DMA](#)
 - [Campaign Contribution](#)
 - [SOS-StartingPointSearch](#)
 - [SOS - Starting Point](#)
 - [Principal owner](#)
 - [SOS-ChildCareResourceCenterSearch](#)
 - [SOS-ChildCareResourceCenter](#)
 - [History Log](#)
 - [Approved Exemption](#)
 - [BB](#)
 - [Voucher](#)
 - [Evaluation - revised](#)

History	Who	Approval
Time		
8/30/2011 8:47 AM	Office of Procurement & Diversity Clerk of the Board	Yes

CUYAHOGA COUNTY OHIO
CONTRACT/AGREEMENT EVALUATION FORM
(To be completed in its entirety by user department for
All contract/agreement renewals or amendments.)

Contractor: Child Care Resource Center of Cuyahoga County (Starting Point)

Contract/Agreement No.: CE1000681-01 Time Period: 10/1/2010 – 9/30/2011

Service Description: Starting Point provided out of school services to youth 5-18 years old through neighborhood resources in accordance with MyCom.

Original Contract/Agreement Amount: \$1,150,000.00

Prior Amendment(s) Amount(s): \$-0-

Performance Indicators: Starting Point provided services to youth for out of school time in conjunction with MyCom.

Actual performance versus performance indicators (include statistics): Provider made exemplary strides to accomplish all the performance indicators.

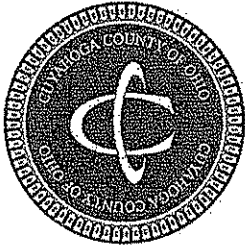
Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: Provider made exemplary strides to accomplish all the performance indicators.

User Department

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	Child Care and Resource Center of Cuyahoga County aka Starting Point
Primary Owner	N/A Non-profit Organization
Title	Billie Osborne-Fears Executive Director
Address	4600 Euclid Ave Suite 500 Cleveland, Ohio 44103

Vendor's Legal Name	
Primary Owner	
Title	
Address	

Vendor's Legal Name	
Primary Owner	
Title	
Address	

Vendor's Legal Name	
Primary Owner	
Title	
Address	

Vendor's Legal Name	
Primary Owner	
Title	
Address	

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0256

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 \$6,000,000.00 for Puritas Avenue Associates Limited Partnership for the purpose of rehabilitating, improving and equipping a housing facility for low and moderate income families; authorizing the execution and delivery of a loan agreement, bond purchase agreement, trust indenture and tax regulatory agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.
---	--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. Terms and Provisions of the Bonds

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

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

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

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

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

SECTION 4. Sale of the Bonds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer or employee, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the County or any receiver thereof, or for or to the Borrower or the Holder, or otherwise, of any sum that may remain due and unpaid upon any Bond, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Issuer Documents and the issuance of the Bonds.

SECTION 13. A public hearing of this Council shall be held at a time and place to be properly noticed, for the purpose of hearing objections and/or public comment on the issuance of said bonds.

SECTION 14. Open Meeting. This Council hereby finds and determines that all formal actions of this Council and its committees concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22, Ohio Revised Code.

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011
Committee(s) Assigned: Economic Development & Planning

Second Reading/Referred to Committee: August 23, 2011
Committee(s) Assigned: Economic Development & Planning

Journal CC003
September 13, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0259

Sponsored by: County Executive FitzGerald/Department of Health and Human Services and Councilmembers Conwell, Jones and Miller	A Resolution authorizing awards on RQ19868 to various providers for the Cuyahoga County Fatherhood Initiative for the period 7/1/2011 - 6/30/2012; authorizing the County Executive to enter into contracts consistent with said awards; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Health and Human Services has recommended awards to various providers on RQ19868 for the Cuyahoga County Fatherhood Initiative for the period 7/1/2011 – 6/30/2012; and

WHEREAS, the Cuyahoga County Fatherhood Initiative seeks to strengthen families in our community by encouraging fathers to play a more active role in nurturing and raising their children; and

WHEREAS, the activities funded by these awards will help put Cuyahoga County in a better position to help fathers become or remain a significant part of the lives of their children and in doing so help reduce the risk of poor grades, drug abuse, premature fatherhood/teen pregnancy and other problems that increase without the presence of a father in a child's life; and

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

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

SECTION 1. The recommended awards on RQ19868 to the following providers for the Cuyahoga County Fatherhood Initiative for the period 7/1/2011 – 6/30/2012 are hereby approved and the County Executive is authorized to enter into contracts consistent with the awards:

- 1) Career Development and Placement Strategies Inc. in the amount of \$105,000.00.
- 2) Center for Families and Children in the amount of \$96,000.00.
- 3) Cuyahoga County District Board of Health in the amount of \$95,000.00.
- 4) Domestic Violence Center the amount of \$95,000.00.
- 5) JDC Advertising in the amount of \$80,000.00.
- 6) The MetroHealth System in the amount of \$48,000.00.
- 7) Nueva Luz Urban Resource Center in the amount of \$45,000.00.
- 8) Passages Connecting Fathers and Sons, Inc. in the amount of \$105,000.00.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0260

Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Department of Children & Family Services	A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for placement services for the period 1/1/2011 - 9/30/2011 for additional funds, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Children & Family Services has requested approval of amendments to various contracts with various providers for placement services for abused and/or neglected children for the period of 1/1/2011-9/30/2011 providing for additional funds in the total amount of \$2,036,846.00; and,

WHEREAS, these amendments are necessary to continue to provide placement services including foster care, residential care, independent living, group homes, shelter care and/or day treatment for Cuyahoga County children who have been abused and/or neglected; and,

WHEREAS, each of the five selected providers have evidenced above-average performance based upon evaluation of performance indicators for the period of 1/1/2011 – 6/20/2011; and,

WHEREAS, each of the five selected providers has experienced an increase in the number of children referred by the Department of Children and Family Services, and an increase in the resources and services required to adequately care for these children; and,

WHEREAS, funding for these amendments to contracts is provided through the Health and Human Services Levy.

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

SECTION 1. The County Executive is hereby authorized to enter into an amendment to the contracts for the period of 1/1/2011 – 9/30/2011 providing for additional funds in the total amount of \$2,036,846.00 set forth below as follows:

- 1) No. CE1100006-01 with Applewood Centers, Inc. in the amount not-to-exceed \$242,000.00.
- 2) No. CE1100010-01 with Catholic Charities Services Corporation (Parmadale) in the amount not-to-exceed \$300,000.00.

- 3) No. CE1100017-01 with House of New Hope in the amount not-to-exceed \$223,479.00.
- 4) No. CE1100020-01 with Parenthesis Family Advocates, Incorporated in the amount not-to-exceed \$82,380.00.
- 5) No. CE1100016-01 with The Twelve of Ohio, Inc., in the amount not-to-exceed \$249,362.00.

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: August 9, 2011
Committee(s) Assigned: Health, Human Services & Aging

Journal CC003
September 13, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0261

Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Department of Children & Family Services	A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for placement services for the period 1/1/2011 - 9/30/2011 for additional funds, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Health and Human Services/Children and Family Services Division has recommended amendments to contracts with various providers for placement services to add additional funds for the period 1/1/2011 - 9/30/2011; and,

WHEREAS, these agreements are for placement services which include foster care, residential care, independent living, group homes, shelter care and/or day treatment; and,

WHEREAS, amendments to add additional funds to several contracts are necessary due to increased utilization of the providers; and,

WHEREAS, contract deliverables include, but are not limited to, parent advocacy and support, youth involvement and development services, parent support resource activities and services, and community outreach, engagement, and resource development; and,

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

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

SECTION 1. The County Executive is hereby authorized to enter into contract amendments with various providers for placement services to add additional funds for the period 1/1/2011 - 9/30/2011, as listed below:

- 1) No. CE1100001-01 with Alliance Human Services, Inc. in the amount of \$405,000.00.
- 2) No. CE1100023-01 with National Youth Advocate Program, Inc. in the amount of \$550,000.00.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0264

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution amending Resolution No. R2011-0234 dated 7/26/2011, which authorized an award on RQ19343 to First Energy Solutions for the purchase of electric utility services for County-owned facilities, by changing the time period from 6/1/2011 - 5/31/2012 to 10/1/2011 - 9/30/2013 and by changing the amount from \$5,500,000.00 to the amount not-to-exceed \$5,500,000.00 per year; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Public Works has requested amendment to Resolution No. R2011-0234 dated 7/26/2011, which authorized an award on RQ19343 to First Energy Solutions for the purchase of electric utility services for County-owned facilities, by changing the time period from 6/1/2011 - 5/31/2012 to 10/1/2011 - 9/30/2013 and by changing the amount from \$5,500,000.00 to the amount not-to-exceed \$5,500,000.00 per year; and,

WHEREAS, the amendment is requested to add an additional year of services and additional funds, with all other terms and conditions of the RFP package remaining in effect; and,

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

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

SECTION 1. Resolution No. R2011-0234, which authorized an award on RQ19343 to First Energy Solutions for the purchase of electric utility services for County-owned facilities, is hereby amended by changing the time period from 6/1/2011 - 5/31/2012 to 10/1/2011 - 9/30/2013 and by changing the amount from \$5,500,000.00 to the amount not-to-exceed \$5,500,000.00 per year.

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: August 23, 2011

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

Journal CC003
September 13, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0265

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

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

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

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

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

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

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

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

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

SECTION 2. It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue the usual and daily operation of the County, and to confirm all of the multiple funding sources for this project without delay, so the project financing can be finalized and exterior repairs can begin while weather conditions remain favorable. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 23, 2011
Committee(s) Assigned: Economic Development & Planning

Journal CC003
September 13, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0266

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

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

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

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

SECTION 1. The County Executive is hereby authorized to enter into an amendment to Agreement No. AG0900007-01 with City of Cleveland for an Automated Fingerprint Identification System and Mobile Data Needs Assessment for Ohio Homeland Security Region 2 in connection with the FY2007 Law Enforcement

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

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 23, 2011
Committee(s) Assigned: Public Safety

Journal CC003
September 13, 2011

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0267

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

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

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

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

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 23, 2011
Committee(s) Assigned: Public Safety

Journal CC003
September 13, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0045

Sponsored by: County Executive FitzGerald/Department of Health and Human Services and Councilmember Brady	An Ordinance establishing divisions and sections within the Department of Health and Human Services, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article VIII, Section 8.01 of the Charter created the Department of Health and Human Services, and provides, in pertinent part, that the Department of Health and Human Services “shall administer all programs and activities for which the County has or has assumed responsibility for the protection and enhancement of the health, education and well-being of County residents”; and

WHEREAS, the Director of the Department of Health and Human Services was appointed by the County Executive pursuant to Article VIII, Section 8.02, and was confirmed by the Cuyahoga County Council in Motion No. M2011-0011; and

WHEREAS, Article VIII, Section 8.01 of the Charter also provides that Council “shall provide by ordinance for such deputies and assistants to the Director of Health and Human Services as shall be conducive to the efficient performance of the duties of the Department of Health and Human Services;” and

WHEREAS, Article III, Section 3.09, subsection 2, gives Cuyahoga County Council the authority to establish departments, and divisions and sections within departments, under the supervision of the County Executive as the Council determines to be necessary for the efficient administration of the County; and,

WHEREAS, Article XIII, Section 13.04 provides for the transfer of powers and duties, as designated by ordinance, of departments, offices, and agencies existing at the time of the Charter’s adoption; and

WHEREAS, the establishment of divisions and sections within the Department of Health and Human Services is necessary for the efficient administration of the County; and

WHEREAS, the Departments of Children & Family Services, Employment & Family Services, and Senior & Adult Services were not specifically delineated in the Charter of Cuyahoga County, yet such departments existed under the prior form of government; and

WHEREAS, this Council’s purpose and intent is to recognize the continued existence of the Departments of Children & Family Services, Employment & Family Services, and Senior & Adult Services and incorporate each as individual divisions within the Department of Health and Human Services in order to more efficiently and

effectively provide for the administration of services and programs for the protection and enhancement of the health, education and well-being of County residents; and

WHEREAS, the establishment of a division of Community Initiatives within the Department of Health and Human Services is necessary to provide a variety of collaborative, wrap-around services on a continuum of care to children, families, homeless, and returning felons; and

WHEREAS, the Family and Children First Council, Office of Early Childhood, Office of Homeless Services and Office of Re-entry/Strong Start were not specifically delineated in the Charter of Cuyahoga County, yet such offices existed under the prior form of government; and

WHEREAS, the continued existence of the Family and Children First Council, Office of Early Childhood, Office of Homeless Services and Office of Re-entry/Strong Start as sections within the division of Community Initiatives within the Department of Health and Human Services is necessary in order to more efficiently and effectively provide for the administration of services and programs for children, families, homeless persons and returning felons within Cuyahoga County; and

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

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

SECTION 1. The duties, functions, and employees of the former Departments of Children & Family Services, Employment & Family Services, Senior & Adult Services, each of which have historically operated as its own department, shall be incorporated as separate divisions within the Department of Health and Human Services. Each of these divisions will be supervised by an Administrator who will report to the Director of Health and Human Services.

SECTION 2. The Department of Health and Human Services shall also contain the Community Initiatives Division, consisting of the Family and Children First Council, the Office of Early Childhood, the Office of Homeless Services, and the Office of Re-entry/Strong Start.

SECTION 3. The Director of Health and Human Services is hereby authorized to also employ and supervise such deputies, assistants and employees as shall be conducive to the efficient performance of the duties of the Department of Health and Human Services and as is consistent with approved budgetary parameters determined by Council.

SECTION 4. Nothing in this Ordinance is intended to limit the ability of the County Executive and the Director of the Department of Health and Human Services to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0046

Sponsored by: County Executive FitzGerald/Office of Procurement & Diversity	An Ordinance approving an amendment to the Cuyahoga County Purchasing Policy and Procedure Manual, effective 10/1/2011, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the County Executive/Office of Procurement & Diversity has recommended to amend the Cuyahoga County Purchasing Policy and Procedure Manual, effective 10/1/2011; and,

WHEREAS, the revised policy is submitted in accordance with the requirements of Section 3.6 of the Board of Control, Contracting, and Purchasing Ordinance (Ordinance No. O2011-0030); and,

WHEREAS, the revisions to the Cuyahoga County Purchasing Policy and Procedure Manual also replaces the Request for Proposal (RFP) Manual, adopted December, 2006, and effectively incorporates the relevant provisions set forth therein, thereby eliminating the existence of the Request for Proposal (RFP) Manual as a separate document; and,

WHEREAS, the revised Cuyahoga County Purchasing Policy and Procedure Manual incorporates best practices and the new county government structure; and,

WHEREAS, upon approval, the Office of Procurement and Diversity will provide training on the revised Purchasing Policy and Procedure Manual to county employees involved in purchasing for Cuyahoga County; and,

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

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

SECTION 1. The revised Cuyahoga County Purchasing Policy and Procedure Manual is hereby adopted and shall be applicable to all Cuyahoga County offices, employees and officers under the authority of the County Executive and County Council, and shall remain in force and effect and shall be

followed by County offices, employees and officers under the authority of the County Council and the County Executive, effective October 1, 2011.

SECTION 2. It is hereby found and determined necessary for this Ordinance to become immediately effective, for the reason that this Ordinance provides for the usual daily and necessary operations of Cuyahoga County government in accordance with the requirements of the Cuyahoga County Charter; therefore, this Ordinance, provided it receives the affirmative vote of at least eight members of County Council, shall become effective immediately; otherwise it shall be in full force and effect from and immediately after the earliest time permitted by law.

SECTION 3. It is found and determined that all formal actions of this County Council meeting relating to the adoption of this Ordinance were adopted in an open meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President Date

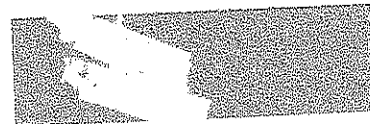
County Executive Date

Clerk of Council Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 2011



Item Details:

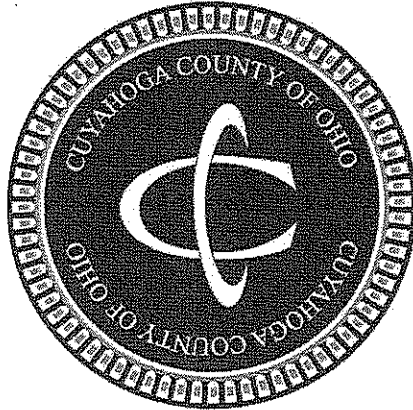
Agency/Dept. Name:	Office of Procurement and Diversity	Agency/Dept. Head Name:	Lenora Lockett
Type of Request:	Other		
Request Prepared by:	Stephanie White	Telephone No.	443-7204
SUMMARY OF REQUESTED ACTION:			
Submitting a revised Purchasing Policy Manual, effective 10/01/2011; and declaring the necessity that this Resolution become immediately effective.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
The purpose of this item is to obtain approval of the revised Purchasing Policy. The enclosed policy replaces the Purchasing Policy and Procedure Manual (dated January , 2006, amended December 21, 2006) and the Request for Proposal Manual (adopted December, 2006). The revised policy is submitted in accordance with the requirements of Section 3.6 of the Board of Control, Contracting, and Purchasing Ordinance (Ordinance No. 2011-0030). The policy has been revised to incorporate best practices and the new county government structure. If the revised Purchasing Policy is approved, OPD will provide training on this policy to county employees involved in purchasing for Cuyahoga County.			
Explanation for late submittal:			

Contract/Agreement Information:

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

Financial Information:

Funding source:	Explanation:
Total Amount Requested:	



County of Cuyahoga, Ohio

PURCHASING POLICY

REVISED AUGUST 8, 2011

Office of Procurement & Diversity, 1219 Ontario Street, Room 110, Cleveland, Ohio 44113
(216) 443-7200, FAX (216) 443-7206, Ohio Relay Service (TTY) 1-800-750-0750

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Section I

INTRODUCTION

1.01 PURPOSE

The purpose of this manual is to provide all county departments and agencies with the policies to be used in the procurement of goods and services; to provide for the fair and equitable treatment of all persons involved in public purchasing by Cuyahoga County; to maximize the purchasing value of public funds; and to provide safeguards for maintaining a procurement system of quality and integrity. The current version of this policy is available for viewing on the county intranet and county website (<http://www.opd.cuyahogacounty.us>).

Please direct any questions regarding the Purchasing Policy Manual to the Office of Procurement & Diversity (OPD) at (216) 443-7200.

1.02 GENERAL STATEMENT

It is the goal of Cuyahoga County to oversee comprehensive purchasing and contracting activities that will provide greater cost-effectiveness, public accountability, efficiency, and government transparency, as well as promote equal economic opportunity.

1.03 SCOPE

The policies outlined in this manual shall apply to all departments and agencies involved with any procurement of goods and services for the County of Cuyahoga.

1.04 GENERAL POLICIES

- A. All elected and appointed officials of the County who participate in the approval of purchases and contracts are personally responsible for becoming familiar with and abiding by all applicable Ohio State Statutes, Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, other pertinent Cuyahoga County Ordinances, and County policies and procedures governing such activities.
- B. The County's goal is to receive maximum value for the public dollar and to purchase in the best interest of the County.
- C. The Director and Purchasing Manager in the Office of Procurement & Diversity shall serve as the authorized Purchasing Agents for the County. It is the Director's responsibility to give leadership in all purchasing and contracting activities for the County.
- D. The Director and/or Purchasing Manager may designate others in the Office of Procurement & Diversity to serve as purchasing agents under the Director's supervision. It is the Director's responsibility to issue regulations and procedures and delegate purchasing responsibilities. Other Department or Agency personnel may also be authorized by their Directors to make purchases of services, supplies and equipment not to exceed \$25,000 for any single purchase. These individuals also must abide by the statutes and policies as stipulated in Section 1.04(A) above.

- E. In accordance with the current Cuyahoga County Ethics Policy, Officials and employees shall not become obligated to any vendor and must not conclude any County transaction from which they may personally benefit.
- F. Purchasing and contracting activities shall be conducted so that vendors will value the County's business and will make every effort to furnish its requirements on the basis of quality, service and price.
- G. Individuals engaged in purchasing and contracting shall promote constructive competition by seeking new bidders/proposers, obtaining several bids/proposals when possible on materials and services purchased, and developing more than one active source of supply for various products and services.

1.05 SMALL BUSINESS ENTERPRISE PROGRAM:

Policy Statement: It is the policy of Cuyahoga County to develop a strategic plan and establish administrative rules and procedures to insure that all businesses participate fully and fairly in Cuyahoga County's procurement and contract awards.

Promotion of Equal Opportunity: No person shall be denied the benefit of, or otherwise discriminated against, on the basis of race, creed, color, national origin, handicap, sex, age, marital status, or sexual orientation in connection with performance, and/or modification of a contract between a vendor or contractor and Cuyahoga County where said contract is paid for, in whole or in part, with monetary appropriations by Cuyahoga County.

Program Objectives: Accordingly, the objective of the SBE Program is to promote and encourage full and open competition in the procurement of goods and services by Cuyahoga County; encourage all of Cuyahoga County's personnel involved with procurement and contracting activities to maintain good faith efforts and follow appropriate purchasing procedures; to protect Cuyahoga County from becoming a passive participant in any unlawful discrimination; and to otherwise spur economic development in the public and private sectors of Cuyahoga County.

SBE Participation Goal:

To ultimately determine an annual overall goal for SBE participation, the Director of OPD will establish a SBE goal for each procurement based on an analysis of market availability and commercially useful function within the contract. The Director of OPD may also waive the SBE goals for particular purchases.

Section II

DUTIES AND RESPONSIBILITIES

2.01 OPD RESPONSIBILITIES

The Office of Procurement & Diversity is responsible for establishing purchasing and contract policies and coordinating the purchasing and contracting procedures for the County. OPD oversees the formal bidding and proposal processes for materials, services, supplies, construction and professional services, as well as contract submission. In addition to purchasing responsibilities, OPD also assists in the disposal of surplus County property. OPD also provides training and guidance for user departments on purchasing and contracting activities.

2.02 FUNCTION

- A. Develop purchasing objectives, training, policies, programs and procedures for the acquisition of materials, equipment, supplies, services, construction and professional services.
- B. Coordinate and monitor purchasing and contracting procedures of user departments.
- C. Initiate reports necessary for analysis of purchasing performance.
- D. Prepare formal bids.
- E. Ensure all purchases are made in accordance with Federal laws, State laws, County Ordinances, and County Policies and procedures.
- F. Provide administration for the County Procurement Card (p-card) program.
- G. Provide assistance in the disposal of surplus County property.
- H. Review contract materials submitted for approval for compliance with county and legal requirements.

2.03 OBJECTIVES

- A. To know and become acquainted with the needs of all departments.
- B. To procure a product or service that will meet the department's requirements and is the best value to the County.
- C. To know the source and availability of needed products.
- D. To write manuals, develop procedures, and provide training and guidance for all departments in meeting their purchasing and contracting needs.
- E. To maintain a registered vendor list and good vendor relations.
- F. To inform departments of market changes, new products, recommended purchasing methods, and other such factors.
- G. To provide guidance and direction for sound purchasing practices throughout all departments of the County.

- H. To exchange ideas and information with other public purchasing agencies in an effort to solve common problems and share best practices.
- I. To develop and apply standardized specifications for use by all departments to improve purchasing practices.
- J. To know and comply with all legal procurement laws and ensure that purchasing personnel comply.
- K. Maintain historical information on contracts.

2.04 RELATIONS WITH COUNTY DEPARTMENTS

- A. Cooperation and understanding between county departments is necessary for the effective operation of the Office of Procurement & Diversity.
- B. OPD shall establish and maintain communication with county departments in order to meet their purchasing requirements.
- C. The purchasing function is a cooperative effort and the mutual benefits derived for the good of the County depend upon this cooperation between departments.
- D. "Field Buyers" are Cuyahoga County Departmental staff that are appointed by their Director to assume similar responsibilities to that of OPD's purchasing staff. Field Buyers must adhere to procurement policies and laws at the same level of integrity and knowledge as OPD's purchasing staff.
 - 1). Each Department's Director shall designate annually at least one (1) Field Buyer to coordinate purchasing activity for their Department. This Field Buyer represents their Department and is personally responsible for becoming familiar with and abiding by all applicable Ohio State Statutes, Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, other pertinent Cuyahoga County Ordinances, and County policies and procedures governing such activities.
 - 2). Changes in Field Buyer designation(s) shall be reported immediately by the user department's Director (or designee) to the Office of Procurement and Diversity.

2.05 VENDOR RELATIONS

A. INTRODUCTION

Purchasing activities will be conducted so that vendors will value county business and make every effort to furnish the requirements on the basis of quality, service and price. The relationship between the purchaser and seller is one of mutual respect. No contract that proves unsatisfactory to the vendor can be regarded as satisfactory to the buyer.

The County desires to buy only from suppliers who have adequate financial strength, high ethical standards, and a record of adhering to specifications, maintaining shipping promises and giving full measure of services. New sources of supply will be given due consideration as multiple sources of supply are necessary to ensure availability of materials and promote competition.

It is essential to develop and maintain goodwill between the County and its suppliers. The reputation of the County can be promoted by:

1. Giving all salespersons a full, fair, prompt, and courteous hearing.
2. Keeping competition open and fair.
3. Keeping specifications fair and clear.
4. Cooperating with the seller and considering their difficulties in providing the service or products.
5. Having consistent buying policies and principles.
6. Observing strict truthfulness in all transactions and in correspondence.
7. Respecting the confidence of the salespersons or their company as to confidential information.
8. Keeping free from obligation to any vendor.

B. Vendors desiring to sell goods and services to the County are encouraged to register with the Office of Procurement & Diversity. Vendor registration can be accessed through the OPD Internet site at www.opd.cuyahogacounty.us

C. ETHICAL CONSIDERATIONS

In any consideration of public responsibilities, there must be understanding and agreement with reference to the ethics of public purchasing. Vendors are expected to comply with the current Cuyahoga County Vendor Ethics Policy. The Ohio Ethics Law and related statutes of the Ohio Revised Code also establish a uniform standard of conduct for all citizens who serve as public officials or employees. (See Divisions (D) and (E) of Section 102.03 of the O.R.C. and Division (A) of Section 2921.43 of the O.R.C.)

D. CONTRACTS SUBJECT TO ORDINANCES

All County contracts are subject to all applicable County ordinances, including, but not limited to, the Cuyahoga County Ethics Ordinance, Cuyahoga County Inspector General Ordinance, and the Cuyahoga County Board of Control, Contracting and Purchasing Ordinance, and the successful bidder shall comply with all such ordinances as an integral part of all County contracts. Copies of all County ordinances are available on the County Council's web site at <http://council.cuyahogacounty.us/>.

E. COMPLAINTS AGAINST VENDORS

All complaints concerning vendor performance shall be specific in nature, put in written form and submitted to the Purchasing Manager. OPD will acknowledge receipt of complaints, investigate complaints, and provide a written response to complaints.

Section III

PROCUREMENT METHODS

3.01 ONE-TIME PURCHASE OF SUPPLIES, EQUIPMENT OR SERVICES COSTING UNDER \$1,000.00

Departments may make direct purchases for a one-time purchase of goods/equipment/services, under \$1,000.00. Informal competitive bidding is encouraged for these types of purchases. Departments can make payment directly by Office Voucher or purchase using a p-card in accordance with Cuyahoga County's Procurement Card Policy and Procedures.

"Split-invoicing" is not permitted, either by ordering more than \$1,000.00 worth of goods or services and directing the vendor to submit more than one invoice, each under \$1,000.00, or by ordering the same items or service in quantities of less than \$1,000.00 on a regular basis during a one-year period.

3.02 FULL AND OPEN COMPETITION

Full and open competition procurement methods encourage competitive pricing, maximum participation by vendors, promotes transparency and accountability, and increases awareness of available options. As such, full and open competition procurement methods shall be the default procurement selection.

A. Informal Competitive Bidding

For those goods or services estimated between \$1,000 and \$25,000, the informal competitive bidding process shall be completed at the department level, unless exempt from competitive bidding. Informal competitive bidding requires the solicitation of a minimum of three (3) quotes (more than three (3) quotes are encouraged). When there are more than three (3) vendors registered in a particular commodity code, the selection of the three (3) vendors to be solicited shall be done on a rotating basis among all registered vendors. Whenever possible, vendors shall be rotated so that quotes are solicited from the previous awardee and two (2) vendors on the list not previously solicited from that commodity code. Solicitation of local vendors is encouraged (when available) and at least one (1) quote is required to be solicited from a Small Business Enterprise (SBE) vendor (when available).

Upon review of the quotes received, an award shall be made at the department level to the lowest and best bidder. Past vendor performance is taken into consideration when determining the lowest and best bidder. Based on the goods and services being purchased, the award will be made by completing either a department order or a contract, as appropriate.

"Split-invoicing" is not permitted, either by ordering more than \$25,000 worth of goods or services and directing the vendor to submit more than one invoice, each under \$25,000, or by ordering the same items or service in quantities of less than \$25,000 on a regular basis during a one-year period. For correctional institution food purchases, OPD has a separate informal competitive bidding process.

In very rare instances, informal competitive bidding may not be deemed possible by the user Department. In these instances, before any purchase is made, the Department Field Buyer shall consult with OPD on how best to proceed.

B. Formal Competitive Bidding

For those goods or services estimated to exceed \$25,000, a formal competitive bidding process shall be done unless exempt from the competitive bidding process. The formal competitive bid shall be advertised in accordance with applicable Cuyahoga County ordinances, state laws, and federal laws. The standard of award is the lowest and best bidder in accordance with all applicable requirements, including current county ordinances. The award recommendation will be made to the governing authority. The award will result in completion of a purchase order or contract, as appropriate.

C. Formal Competitive Bidding - Construction Projects

Construction services estimated to exceed \$25,000 will be procured using a formal competitive bidding process. The construction bid will be advertised in accordance with applicable Cuyahoga County Ordinances, and state laws, and federal laws. The standard of award is the lowest and best bidder in accordance with all applicable requirements, including the current county ordinances. The award recommendation will be made to the governing authority. The award will result in the completion of a contract prepared by the user department for approval by the governing authority.

D. Informal Request for Proposal (RFP)

For goods and services estimated at \$25,000 or less, the informal RFP process may be used if the goods/services are exempt from the informal competitive bidding process and/or it is determined to be advantageous to the County. RFPs generate multiple ideas for projects and allow vendors who have both unique solutions to problems and expertise to provide the service. Price alone is not the sole determining factor; a firm's expertise, experience, ability to grasp the problem and propose a clear solution, and level of commitment to the project must also be considered. RFPs are also issued when no clear price can be affixed to a project until completion, where the criterion is more subjective, or where no detailed specifications are available. The user department will be responsible for writing, soliciting (from a minimum of 3 vendors), collecting, and evaluating the RFP. The Department will make the award recommendation. The award will result in a contract approved by the governing authority.

E. Formal Request for Proposal (RFP)

For goods and services estimated to exceed \$25,000, the formal RFP process may be used if the goods/services are exempt from the formal competitive bidding process and/or it is determined to be advantageous to the County. RFPs generate multiple ideas for projects and allow vendors who have both unique solutions to problems and expertise to provide the service. Price alone is not the sole determining factor; a firm's expertise, experience, ability to grasp the problem and propose a clear solution, and level of commitment to the project must also be considered. RFPs are also issued when no clear price can be affixed to a project until completion, where the criterion is more subjective, or where no detailed specifications are available. The formal RFP will be advertised in accordance with applicable county ordinances, state laws, and federal laws. It will be issued and collected by the Office of Procurement and Diversity. OPD also acts in advisory capacity to the user department. The user department will write, evaluate, and make the award recommendation. The award will result in a contract approved by the governing authority.

F. Request for Qualifications (RFQ) - Professional Design Services (per O.R.C. 153.65)

RFQs are used to limit the pool of potential vendors to those most highly qualified within a specific discipline. They are used when the marketplace provides many potential providers and the project requires a high level of special expertise. This process asks vendors in specific disciplines to submit a summary of their qualifications to undertake certain tasks in order to obtain a general understanding of a potential vendor's project history, skills and abilities. The RFQ will be advertised in accordance with applicable county ordinances, state laws, and federal laws. It will be issued and collected by the Office of Procurement and Diversity. OPD also acts in advisory capacity to the user department. The user department will write the RFQ and evaluate the submittals. The submittals are scored and only those scoring at or above a preset level or a specified number of firms are invited to submit cost proposals. The user department will negotiate the contract(s). The final award(s) will take the form of contract(s) approved by the governing authority. In general, the RFQ process for professional design services shall be done in accordance with Sections 153.65 through 153.71 of the Ohio Revised Code. However, in accordance with the county ordinance, the county may deviate from this process if it is deemed to be advantageous to the county.

G. Request for Qualifications (RFQ) - Other than Professional Design Services

RFQs are used to limit the pool of potential vendors to those most highly qualified within a specific discipline. They are used when the marketplace provides many potential providers and the project requires a high level of special expertise. This process asks vendors in specific disciplines to submit a summary of their qualifications to undertake certain tasks in order to obtain a general understanding of a potential vendor's project history, skills and abilities. The RFQ will be advertised in accordance with applicable county ordinances, state laws, and federal laws. It will be issued and collected by the Office of Procurement and Diversity. OPD also acts in advisory capacity to the user department. The user department will write the RFQ and evaluate the submittals. The submittals are scored and only those scoring at or above a preset level or a specified number of firms are invited to submit cost proposals. Evaluation of proposal(s) is completed and the final award(s) will take the form of contract(s) approved by the governing authority.

H. Revenue Generating Procurements (including revenue generating leases)

Except in the case of the sale of land, revenue generating procurements shall be procured using the RFP process.

I. Real Property

Real property actions must be initiated by the Department of Public Works and done in accordance with current county ordinances. Real property includes land and buildings.

1). Leases of Real Property (RFP)

Any lease of office or storage space in a facility not owned by the County shall be procured using the RFP process.

2). Lease of County Real Property - Revenue-Generating (RFP)

Lease of space in County-owned property shall be procured using the RFP process.

3). Sale of Land (Bid)

Sale of County-owned real property shall be done using the formal competitive bidding process.

3.03 OTHER THAN FULL AND OPEN COMPETITION

While the following purchasing methods are allowed, they are not the preferred procurement methods. Other than full and open competition procurement methods inhibit Cuyahoga County from being aware of all available options and can prevent Cuyahoga County from realizing and benefiting from a competitive process. As such, written justification submitted to the Office of Procurement and Diversity is needed when utilizing other than full and open competition procurement methods.

A. Sole Source Purchases

The county ordinance outlines specific circumstances which allow for purchases without competitive bidding for goods and services limited to a single supplier. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

B. Government Purchases

The county ordinance allows for purchases without competitive bidding when the purchase is from the federal government, a state, another county or contracting authority from another County, a board of education, a township, or a municipal corporation. Each contracting authority may have its own requirements for purchase. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

C. State Contract Purchases

The county ordinance allows the county to participate in certain contracts into which the State of Ohio Department of Administrative Services has entered for the purchase of various supplies, services, and equipment. A list of state contracts can be obtained on the Internet by visiting the website for the Ohio Department of Administrative Services at www.procure.ohio.gov or by contacting OPD. State contract purchases also include contracts from the Ohio Department of Transportation. The desired contract must be made open to participation by cooperative purchasing members. Also, each contracting authority may have its own requirements for participation. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

D. Lower than State Contract Purchases

The county ordinance allows the County to purchase supplies or services from another party, including political subdivisions, instead of through participation in State Contracts, when the other party can provide the supplies or services under equivalent terms, conditions, and specifications, but at a lower price than on State Contract. As such, the county shall provide notice on its website in accordance with procedures outlined by OPD of each intent to purchase off state contract in order to verify that the state contract pricing is advantageous to the County. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

E. Government Cooperative Purchasing

The county ordinance allows for participation in the following government cooperative purchasing program:

1). Federal Contracts

The county ordinance allows for purchases without competitive bidding from contract offerings from the federal government that are available to a political subdivision. The desired contract must be made open to cooperative purchasing. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

2). Joint Purchasing Programs

The county ordinance allows for purchases without competitive bidding from contract offerings from joint purchasing programs operated by or through a national or state association of political subdivisions in which the county is eligible for membership. The desired contract must be made open to cooperative purchasing. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

F. Contract Amendments

During the course of a contract, the user department may seek to do a contract amendment based on its determination that there is a desire or need for changes to the scope of work/services, extensions of time (including exercising an option written into the original contract), and/or the addition of funds. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

G. RFP Exemptions

The user department may seek an exemption from the RFP process for rare instances in which the user department feels that proceeding with a RFP process is not advantageous to the county. Also, RFP exemptions are required for vendors named in grant applications that were not selected using a county authorized purchasing process. The county ordinance provides for an approval process for RFP exemptions. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

H. Community Rehabilitation Programs (CRP)

Ohio Revised Code chapters 125.60 to 125.6012 establishes the "Office of Procurement" (*This office is unrelated to Cuyahoga County's OPD*) for CRPs who provide Ohio citizens with work-limiting disabilities for gainful employment experience and to enable government offices to obtain suitable, high-quality products and services. Departments are encouraged to become familiar with the items and services available from CRPs. The county ordinance allows for purchases without competitive bidding from CRPs. Written justification in the required format shall be submitted by the user department well in advance to allow sufficient time for a course of action that may include proceeding with a competitive process.

I. Public Utility (911 System)

The county ordinance allows for purchases without competitive bidding in accordance with Ohio Revised Code Section 4931.41(f). For purchases meeting this requirement, no justification is required.

J. Emergency Purchases

The county ordinance outlines specific circumstances and procedures for emergency purchases. Written justification in the required format shall be submitted by the user department as far in advance as possible so that a course of action can be determined.

K. Legal Notice (as applicable: Sheriff sales, Treasurer delinquent taxes, Auditors advertisements...)

Legal notices for competitive bidding, RFPs, or RFQs shall be in accordance with the county ordinance. The notice shall be published at least two (2) weeks and one (1) day prior to the bid/RFP/RFQ opening. If there is to be a pre-bid/pre-proposal meeting or required site visit, the notice shall be published at least 3 weeks plus 1 day prior to the bid/RFP/RFQ opening. All other mandated public notices will be published according to the specific provisions within the Ohio Revised Code. If required, the user department will provide written justification to OPD and allow sufficient time for evaluation and determination of a course of action.

L. County Procurement Exemptions (County policy only)

If required, the user department will provide written justification to OPD and allow sufficient time for evaluation and determination of a course of action that may include proceeding with a competitive process.

1. County print shop (typically no justification required)
2. ISC media services (typically no justification required)
3. Other internal services (i.e., computer training, safety training) (typically no justification required)

Section IV

CONTRACTING

4.01 CONTRACTS

- A. A contract is a written agreement between Cuyahoga County or a department or agency of Cuyahoga County government with a third party to purchase, exchange or use goods, services, or property; or any such agreement to sell, exchange or supply goods, services, or property. This includes agreements and grant documents between the County and federal, state or local government. Purchase Orders and Department Orders are within the definition of a contract.
- B. As pertains to this policy, a contract does not include an employment contract with the County or a contract entered into as settlement of litigation.
- C. No contract, agreement, license, purchase order, memorandum of understanding, lease or any potentially binding document shall be signed by unauthorized County Officials or personnel. In order to protect the interest of Cuyahoga County, a contract must be executed by the County Executive (or designee) before compensation of services or products can be provided.
- D. All contracts to which Cuyahoga County is a party to, must be in writing. Any modifications or amendments to the terms of executed contracts must be in writing. No important general change may be made which alters the essential identity or main purpose of the original contract or is of such importance as to constitute a new undertaking.
- E. A contract must be executed before compensation can be provided. The County cannot pay for any goods or services provided prior to the execution of the contract. Goods or services provided prior to the commencement of a contract shall be deemed to be included in the contract and payment shall be in accordance with the terms of the contract.
- F. No payments shall be made until the materials, supplies, equipment or services have been delivered and accepted and the work completed to the full satisfaction of the County.
- G. It is a violation of county policy to knowingly allow a contractor to continue working on a contract that is no longer valid.

4.02 CONTRACT AMENDMENTS

- A. Required contract amendments include changes to the scope, extensions of time (including as an option written into original contract), and the addition of funds.
- B. A contract amendment must be submitted for approval before the expiration date of the existing contract.

Section V

DISPOSAL OF SURPLUS COUNTY PROPERTY

5.01 **METHODS OF DISPOSAL OF SURPLUS COUNTY PROPERTY**

Ohio Revised Code Section. 307.12 permits Ohio counties to dispose of unneeded, obsolete or unfit vehicles, machinery, equipment, and supplies using a variety of methods. The user department shall coordinate the disposal of surplus county property with the Department of Public Works. In accordance with Ohio Revised Code Section 307.12, OPD assists with the disposal of surplus county property using the following methods:

- Public auction or by sealed bid
- Internet auction
- Private sale
- Donation

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0037

Sponsored by: County Executive FitzGerald	An Ordinance establishing the Department of Public Safety and Justice Services, and declaring the necessity that this Ordinance become immediately effective.
--	--

WHEREAS, Charter Section 3.09, subsection 2, gives Cuyahoga County Council the authority “[t]o establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in this Charter, as the Council determines to be necessary for the efficient administration of the County;” and,

WHEREAS, currently the offices of Witness/Victim, Office of Mediation, Cuyahoga Emergency Communications System, Office of Emergency Management, Public Safety Grants and Training, Public Safety Administration, and Cuyahoga Regional Information Systems are housed under the Department of Justice Affairs; and,

WHEREAS, the Department of Justice Affairs is not specifically delineated in the Charter of Cuyahoga County, yet such department existed under the prior form of government; and,

WHEREAS, this Council’s purpose and intent in formally establishing the Department of Public Safety and Justice Services is to recognize the continued existence of the Department of Justice Affairs and to house all current Justice Affairs offices within the Department of Public Safety and Justice Services in order to more efficiently and effectively provide for a safer community, ensuring justice, support and recovery for all citizens; and,

WHEREAS, the Council has determined that the creation of a Department of Public Safety and Justice Services is necessary for the efficient administration of the County; and,

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

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

SECTION 1. The Department of Public Safety and Justice Services is hereby officially established, and it shall be its own appointing authority pursuant to Section 9.04 of the Cuyahoga County Charter.

SECTION 2. The duties, functions, and employees of the former Department of Justice Affairs, which has historically operated as its own department, are hereby incorporated into the herein established Department of Public Safety and Justice Services. The Department of Public Safety and Justice Services shall contain the following divisions and sections: (a) Public Safety & Justices Services Administration, (b) Public Safety Grants, (c) Information Technology, containing the Cuyahoga Regional Information System section, (d) Office of Emergency Management, containing the Cuyahoga Emergency Communications System section, (e) Witness/Victim, and (g) Mediation. The specific goals, duties, and activities of the Department of Public Safety and Justice Services and its divisions shall be further determined by the County Executive who shall employ and supervise a Director and such number of deputies, assistants, and employees as shall be reasonably necessary in carrying out the duties of the new Department of Public Safety and Justice Services. Nothing in this Ordinance is intended to limit the ability of the County Executive and the Director of the Department of Public Safety and Justice Services to abolish positions for the purpose of enhancing the efficiency of operations or for any other reason permitted by general law.

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

SECTION 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 Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011
Committee(s) Assigned: Justice Affairs and Public Safety

Journal CC003
September 13, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0044

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

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

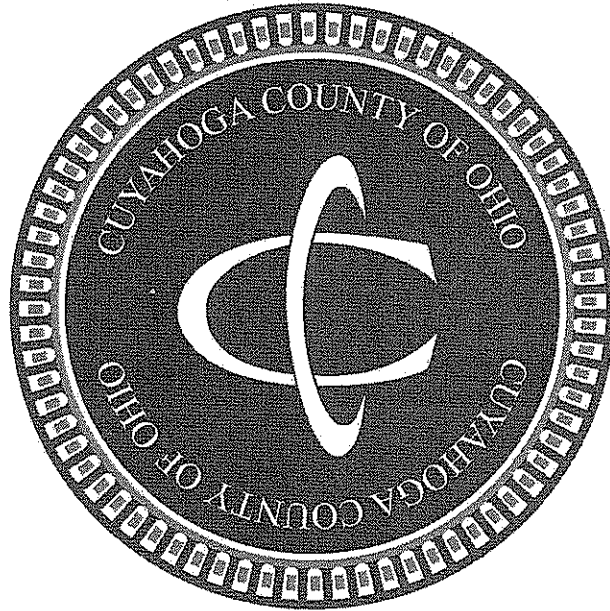
WHEREAS, Council deems it proper to further amend the Board of Control, Contracting and Purchasing Ordinance to make the County's contracting practices more efficient and transparent; and,

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

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

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

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



Cuyahoga County Council
Public Works, Procurement & Contracting Committee

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

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

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Chapter 1: Establishment of the Board of Control

Section 1.1: Board of Control Established

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

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

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

Section 1.2: County Council Vacancies

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

Section 1.3: Executive Branch Alternates

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

Section 1.4: Council Alternates

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

Section 1.5: Alternate Have Full Rights

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

Section 1.6: Officers

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

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

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

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

Section 1.8: Clerk of the Board of Control

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

Section 1.9: Weekly Meetings

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

Section 1.10: Quorum

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

Section 1.11: Vote Required for Board of Control Actions

Except as provided in Section 3.10(a)(7) ~~2.10(a)(7)~~ of this Ordinance, a motion to approve or disapprove any item before the Board of Control shall require the affirmative vote of any four (4) or more members. Amendments to items before the Board of Control and parliamentary motions may be adopted by a majority of those present, provided that a quorum is present.

Section 1.12: Rules of Procedure

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

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

Section 1.13: Public Participation

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

Section 1.14: Agendas

The Clerk of the Board of Control shall publish the notice and agenda for each meeting on the county's website, post them at its office, and send them by electronic mail to each member of County Council no later than ~~the close of business~~ 6:30-6:00 p.m. on the second business day before the meeting. For each proposed contract to be considered, the agenda shall list the type of contract, a summary of the scope of work, the anticipated costs, the expected schedule of payments by fiscal year, the source(s) of funding, the anticipated start date, and the vendor's name. For agenda items other than contracts, the Board of Control shall specify in its rules what documentation shall be submitted with the request.

Section 1.15: Special Meetings

The Board of Control may conduct a special meeting at a time other than its regularly scheduled time. In the event of an emergency, **as determined by the County Executive in his or her discretion**, the Board of Control may conduct a meeting with less notice than that required by Section 1.14 ~~1-15~~ of this Ordinance. For any special or emergency meeting, in addition to the notice requirements of Section 1.14 ~~1-15~~, the Board of Control shall also send notice to all news media organizations that request to be notified of such meetings. A meeting may be conducted with less than twenty-four (24) hours only to respond to an emergency concerning which immediate official action is required, and the notice and agenda shall state the nature of the emergency requiring such action.

Section 1.16: Minutes

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

Section 1.17: Executive Session

Notwithstanding the requirement in Section 1.13 ~~1-14~~ for open meetings, the Board of Control may go into Executive Session, only to discuss one or more of the topics permitted to be discussed in Executive Session **pursuant to the Ohio Open Meetings Act or any other general law permitting such Executive Session**, ~~according to Section 121.22 of the Ohio Revised Code~~. The published agenda for any meeting at which the Board of Control goes into Executive Session must include notice of the intent to go into Executive Session and a general description of the subject matter to be discussed. Prior to going into Executive Session, the Board of Control must approve a motion to go into Executive Session. That motion must be approved by a majority of members present by roll call vote, with

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

Section 1.18: Journal

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

Section 1.19: Public Meetings and Public Records

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

Section 1.20: Deadline for Agenda Items

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

Section 1.21: Consideration of Items Not on the Agenda

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

Chapter 2: Contracts and Purchasing Board Established

Section 2.1: Contracts and Purchasing Board Established

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

- a) **The Cuyahoga County Executive;**
- b) **The Fiscal Officer;**
- c) **The Director of Public Works;**
- d) **The Director of the Office of Procurement and Diversity; and**

e) The Cuyahoga County Executive's Chief of Staff.

Section 2.2: Board Alternates

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

Section 2.3: Alternates Have Full Rights.

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

Section 2.4: Officers

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

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

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

(b) The Contracts and Purchasing Board is a board created by law, and its members act collectively, and in their official capacities, in the award of contracts and in taking any other action. It shall not be a conflict of interest for a Board member, including the County Executive or a director of a department or an office, to advocate

before the Board, deliberate on, and vote for or against a contract or any other item involving his or her department or office.

Section 2.6: Clerk of the Contracts and Purchasing Board

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

Section 2.7: Weekly Meetings

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

Section 2.8: Quorum

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

Section 2.9: Vote Required for Board Actions

A motion to approve or disapprove any item before the Contracts and Purchasing Board shall require the affirmative vote of any three (3) or more members. Amendments to items before the Contracts and Purchasing Board and parliamentary motions may be adopted by a majority of those present, provided that a quorum is present.

Section 2.10: Rules of Procedure

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

Section 2.11: Public Meetings and Public Records

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

Section 2.12: Public Participation

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

Section 2.13: Executive Session

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

Section 2.14: Agendas

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

and the vendor's name. For agenda items other than contracts, the Contracts and Purchasing Board shall specify in its rules what documentation shall be submitted with the request.

Section 2.15: Deadline for Agenda Items

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

Section 2.16: Consideration of Items Not on the Agenda

The Contracts and Purchasing Board may, by vote of 2/3 of members present and a minimum of three (3) affirmative votes, allow consideration of items not included in the agenda published at or prior to the deadline provided for in Section 2.14 of this Ordinance.

Section 2.17: Special Meetings

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

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

Section 2.18: Minutes

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

Section 2.19: Journal

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

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

Section 3.1 2-1: County Executive's Authority

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

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

Section 3.2 2-2: Usage of the Terms "Contract and "Sale"

For the purposes of this Ordinance:

- a) "contract" shall not include an employment contract between the County and any regular full-time or part-time employee of the

County or any contract entered into in settlement of litigation;
and

- b) "sale" shall include only sales of assets.

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

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

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

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

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

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

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

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

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

version of the contract, and does not include a change in the quantity, version, style, manufacturer, or supplier of any item included in the prior version of the contract.

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

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

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

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

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

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

- a) Except as provided for in Sections 3.10(a)(7) and (8) and Sections 3.11(c) and (d), ~~2-10(a)(7) and (8) and Sections 2-11(e) and (d)~~, approvals provided for in Sections 3.10, 3.11, and 3.12 ~~2-10, and 2-11~~ of the Ordinance shall be required to enter into a contract, lease, purchase, sale, loans made by the County, and grants made by the County ~~or lease, to accept a grant, or to make a purchase, sale, grant, or loan~~ and not at other stages of the process of completing these transactions.
- b) Purchases made under a requirements, supplies, or other contract under which multiple purchases are to be made, such as an office supply contract or a county printing contract, shall not require additional individualized approvals by the County Council, Board of Control, or the Contracts and Purchasing Board so long as the contract

under which the purchases are to be made is properly approved under this Ordinance.

Section 3.10 ~~2.10~~: Items Requiring County Council Approval

- a) The following transactions and other actions shall require approval by the County Council:
- 1) All contracts, purchases, sales, grants provided by the county, or loans provided by the county for more than \$500,000.00;
 - 2) Any loan in which the county, or any entity thereof, is the borrower;
 - 3) All contracts, purchases, loans, leases, or other transactions which create an obligation which would require the appropriation of additional funds not previously authorized;
 - 4) All purchases or sales of real estate or real estate interests for any purpose other than making or repairing roads, including bridges, for more than \$50,000.00 and all leases of real estate or real estate interests as lessor or lessee in which the value of the purchase, sale, or lease is more than \$50,000.00;
 - 5) All purchases, sales, or leases of real estate in excess of six months other than at fair market value;
 - 6) All transfers of cash or appropriation authority between accounts within the county budget and all appropriation changes that result in an increase or decrease in authorized appropriations;
 - 7) Any change order or amendment to a contract that is submitted to the Board of Control and does not receive an affirmative vote of one County Council member on the Board of Control.
 - 8) Any other specific contract, purchase, sale, lease, grant made by the County, or loan made by the County, or any exemption, procedure, or other action within the process of completing any such contract, purchase, sale, lease, grant made by the County, or loan made by the County for which the County Council, by Motion of Council, requires approval of the County Council.

- 9) Any other contract, contract amendment, change order, purchase, sale, lease, grant made by the County, loan made by the County, exemption, procedure, or other action that requires approval by the County Council pursuant to any other provision of this Ordinance or any other County Ordinances.
- 10) Any other contract, purchase, sale, lease, grant made by the County, loan made by the County, or any exemption, procedure, or other action within the process of completing any such contract, purchase, sale, lease, grant, exemption, or loan that does not otherwise require Council approval, but the County Executive, Board of Control, or Contracts and Purchasing Board determines to submit to Council for its consideration, review, and approval or denial.
- b) Sections 3.10(a)(4) and (5) ~~2.10 (a) (4) and (5)~~ are not intended to interfere with the Executive and Director of Public Works' ability to manage the County's property, including, without limitation, granting access, easements, licenses, rights of way, or other rights of entry on the County's property and establishing the terms for such entry without seeking Council approval for such action.

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

Section 3.11 ~~2.11~~: Items Requiring Board of Control Approval

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

- a) All contracts, purchases, sales, grants provided or by the County, or loans provided by the County for more than \$100,000.00 but not more than \$500,000.00, except that the County Executive and/or the Director of Economic Development may make loans of not more than \$200,000.00 without approval from the Board of Control for the limited purpose of implementing the Federal Neighborhood Stabilization Program.
- b) All purchases or sales of real estate or real estate interests for more than \$10,000.00 but not more than \$50,000.00 and all leases of real estate or real estate interests as lessor or lessee in

which the total value of the transaction is more than \$10,000.00 but not more than \$50,000.00.

- c) Any change order or amendment with a value of \$25,000.00 or more using the definition provided in **Section 3.7** ~~Section 2.7~~ of this Ordinance for contracts with a value of less than five million dollars or \$50,000.00 or more for contracts with a value of five million dollars or more.
- d) Any other specific contract, purchase, sale, lease, grant, or loan or any procedure within the process of completing any such contract, purchase, sale, lease, grant or loan for which the County Council, by Motion of Council, requires approval of the Board of Control.
- e) Any other specific contract, purchase, sale, lease, grant **made by the County**, ~~exemption or~~ loan **made by the County, or any exemption, or procedure, or other action** within the process of completing any such contract, purchase, sale, lease, grant, exemption, or loan that does not otherwise require Council or Board of Control approval, but the County Executive determines to submit to the Board of Control for its consideration, review, and approval or denial.
- f) All purchases, including, the acquisition through settlement of eminent-domain litigation, of any real estate interests for the purpose of making or repairing roads, including bridges, in excess of \$50,000.00.
- g) **Any other contract, contract amendment, change order, purchase, sale, lease, grant made by the County, loan made by the County, exemption, procedure, or other action that requires approval by the Board of Control pursuant to any other provision of this Ordinance or any other County ordinances.**

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

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

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

- a) **All contracts, purchases, sales, grants provided by the County, and loans provided by the County for \$500.00 or**

more that do not otherwise require County Council or Board of Control approval.

b) Any other contract, contract amendment, change order, purchase, sale, lease, grant, loan, exemption, procedure, or any other action that requires approval by the Contracts and Purchasing Board pursuant to any other provision of this Ordinance or any other County ordinances.

c) Any other contract, contract amendment, change order, purchase, sale, lease, grant, loan, exemption, procedure, or other action that does not otherwise require approval by the County Council, Board of Control, or the Contracts and Purchasing Board, but the County Executive determines to submit to the Contracts and Purchasing Board for its consideration, review, and approval or denial.

Section 3.13: Monthly Reports on Contract Changes

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

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

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

Section 3.14 ~~2-13~~: Identification of Funding Sources

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

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

The County Executive may enter into a contract with experts or consultants in connection with the administration of the affairs of the

county, as provided for in Article 3, Section 9, Subsection 3 of the Cuyahoga County Charter, subject to the approval process and other requirements regarding contracts provided for in this Ordinance and the specific notice requirement provided for in Section ~~5.4~~ 4.4 of this Ordinance.

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

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

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

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

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

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

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

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

Section 3.19: Information Technology Purchases

All information technology purchases by the County, its officers, departments, offices, agencies, boards, commissions, courts, or other authorities of the County shall be coordinated with the County's Chief Information Officer and approved by him/her, in accordance with the procedures and policies established by his/her office, before being submitted for approval to the appropriate approval authority under Sections 3.10, 3.11, or 3.12 of this Ordinance.

Chapter 4 ~~3~~: General Provisions

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

All purchases of goods and services shall be done by the Director of Procurement and Diversity, under the direction of the County Executive. The various departments may use office vouchers for ~~purchases not to exceed \$1,000~~ and procurement cards for purchases not to exceed \$500.00.

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

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

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

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

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

- a) ~~Except as provided in Section 4.13 3-13(b) of this Ordinance and Subsection (b) below, all contracts, purchases, or leases shall be done in accordance with the competitive bidding procedures provided for in Sections 307.86 through 307.921 of the Ohio Revised Code. Except as otherwise provided in this Ordinance, including, but not limited to, Sections 4.4, 4.7, and 4.14, 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. If any conflict arises between the procedures, requirements, or any other terms of the Ohio Revised Code,~~

Ohio Administrative Code, or any other law or regulation, and this Ordinance, the procedures, requirements, and terms of this Ordinance shall prevail.

- b) Competitive bidding is not required when any of the following apply:
1. The estimated cost is less than \$25,000.00;
 2. The purchase is for professional services, such as architectural, legal, medical, **veterinary**, financial, insurance, information technology, engineering, consulting, surveying, appraisal, brokerage, or construction management services;
 3. The purchase is made in response to an emergency as provided for in Section **3.162.15** of this Ordinance or the purchase is approved by the County Council, or the Board of Control, **or the Contracts and Purchasing Board**, as applicable, to be made without competitive bidding in response to an emergency;
 4. Contracts for the purchase of real property or real estate interests;
 5. Leases of real estate or real estate interests as lessee, in which all of the following apply:
 - i. The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property;
 - ii. The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Ohio Revised Code as modified by Section **4.13** ~~3.13~~ of this Ordinance; and
 - iii. The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

6. The purchase is for used personal property, material, or supplies which are to be sold by the submission of written bids or at an auction open to the public;
7. The purchase is for services, supplies, replacements or supplemental parts, for a product or equipment owned or leased by the county, and the only source of the services, supplies, replacements or parts is limited to a single supplier;
8. The purchase is for services related to information technology, such as programming services, that are proprietary or limited to a single source;
9. The **contract is with or the** purchase is from the federal government, the state, another county or contracting authority of another county, ~~or~~ a board of education, a township, or a municipal corporation, a court, or any other one or more political subdivisions;
10. The purchase is made by a county department performing the duties provided for in Section 329.04 of the Ohio Revised Code and consists of family services duties or workforce development activities;
11. The purchase is made by a public children services agency performing the duties provided for in Section 5153.16 of the Ohio Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children;
12. The purchase consists of criminal justice services, social services programs, family services, or workforce development activities from nonprofit corporations or associations under programs funded by the federal government or by state grants;
13. The purchase is for an insurance policy, health care plan, or child care services for provision to county employees and is done in accordance with Section 307.86(F) of the Ohio Revised Code;
14. The purchase is for goods and services provided by persons with severe disabilities and provided for in Sections 4115.31 through 4115.35 of the Ohio Revised Code;

15. ~~The Executive at a public meeting~~ The Contracts and Purchasing Board determines, upon its review of a request for an exemption from the requirements of competitive bidding, that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with Section 307.862 of the Ohio Revised Code, as modified by Section 4.13(B) ~~3.13(B)~~ of this Ordinance;
 16. The Board of Control determines, upon its review of a request for an exemption from the requirements of competitive bidding, that an alternative procurement process would be advantageous to the County. The request to the Board must specify the details of the proposed alternative procurement process, and the Board may approve the request as presented or may impose any other changes or additional requirements as it deems appropriate.
 17. The program, contract, or agreement is funded through a federal, state, or other grant or program and is awarded by the County to the recipient(s) pursuant to the criteria or requirements of the grant or program, such as contracts entered pursuant to the Community Development Block Grant Program, the Store Front Renovation Rebate Program, the McKinney Vento Homeless Assistance Renewal Grant, or other similar grants or programs. To be eligible for this exemption, the program's criteria and requirements for the selection of the recipients must first be approved by the Contracts and Purchasing Board. This approval can be done singularly for the entire program without the need for individualized consideration.
 18. The purchase is for any other purpose that may be done without competitive bidding according to Section 307.86 of the Ohio Revised Code;
 19. The purchase is made through a joint purchasing program authorized by the Ohio Revised Code, including, but not limited to, Ohio Revised Code Section 9.48; and,
 20. The purchase is made through a state contract authorized by the Ohio Revised Code, including, but not limited to, Ohio Revised Code Section 125.04 and Ohio Revised Code Section 5513.01.
- c) Any purchase of professional design services provided by architects, engineers, or surveyors shall be done as provided for in

Sections 153.65 through 153.71 of the Ohio Revised Code. The contracting authority, however, may deviate from the requirements of Ohio Revised Code Section 153.691 if the County Executive, with the approval of the Board of Control, determines that doing so would be advantageous to the County.

~~d) The Office of Procurement and Diversity is charged with verifying the qualifications of purchases made under Sections 3.4(B) (7) and (8). Each purchase made under these sections must undergo the mandatory verification in advance of initiating the purchasing process in accordance with the uniform procedures adopted by the Office of Procurement and Diversity in consultation with the Department of Law.~~

d) Except in the case of **contracts and** purchases made under 3.4(B)(9), (17), and (18), in the case of contracts on behalf of courts with any other courts or other political subdivisions; **Sections 4.4(b)(9), 16 and 17 herein, or when unless a request for** an exemption is granted by the County Executive at a public meeting; **Contracts and Purchasing Board, as presented or with any other changes or additional requirements deemed appropriate by the Board,** if the County seeks to make **contracts or** purchases of \$25,000.00 or more other than by competitive bidding, and the county **contracting authority** is able to identify multiple **more than one** sources through which the purchase could be made, the contracting agency shall:

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

e) If the County seeks to make **contracts or** purchases greater than **\$1,000.00**, but less than **\$25,000.00**, **and the contracting authority is able to identify multiple sources through which the contract or purchase could be made,** the contracting

authority shall seek informal quotes or proposals from multiple vendors in accordance with the procedures established by the Office of Procurement and Diversity.

- f) A contracting authority that is unable to identify more than one source through which the contract or purchase can be made pursuant to the requirements of Sections 4.4(d) and (e) herein shall make a request to the Contracts and Purchasing Board for approval to seek a contract with or purchase from the sole-source provider. The request for approval shall be made on a form established by the Office of Procurement and Diversity, and approved by the Law Department, and shall include a verified statement by the vendor, subject to the penalty of perjury, certifying the vendor's sole-source status. If the sole-source request is approved, the purchase or contract must still receive the requisite approval by the County Council, Board of Control, or Contracts and Purchasing Board pursuant to Section 3.10, 3.11, or 3.12.

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

Section 4.5 3-5: Procedure Manuals

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

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

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

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

adopted by ordinance and other sections to be adopted by and which may be amended by administrative rule.

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

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

- a) whether the bidder has the appropriate experience, reputation, and workforce to perform the required work;
- b) the bidder's past performance on legal and ethical matters;
- c) whether the bidder exhibits a history of workforce stability and workplace safety, and provides workers a fair wage and fair benefits, as evidenced by payroll and employee records, for the required work, based on market conditions;
- d) whether the bidder has adhered to all conditions and requirements of the bid and specifications;
- e) the quality of the product or service provided by the bidder on previous projects;
- f) with respect to a bidder whose bid is substantially below that of the next lowest bidder, supplemental details regarding the bid and/or historical information regarding performance and costs on similar contracts to demonstrate the bidder's ability to complete the contract at the price specified;
- g) whether the bidder is able to comply with the criteria outlined in Section ~~4.8~~ ~~3-8~~ of this Ordinance;
- h) whether the bidder's past performance has demonstrated a commitment to diversity in employment and subcontracting;
- i) maintenance costs and warranty provisions provided for in the bid;
- j) the delivery or completion date provided for in the bid;
- k) whether, with respect to work done in construction trades, the bidder will use only construction trades personnel who were trained in a state or federally approved apprenticeship program or

career technical program, or who are currently enrolled in a state or federally approved apprenticeship program or career technical program, or who have at least three years of experience in a particular trade; except that for the purposes of full inclusion and creation of entry-level opportunities, up to ten percent (10%) of the construction trades personnel may be participants in pre-apprenticeship programs or otherwise have less training and experience;

- l) whether the bidder, unless otherwise agreed to in a collective bargaining agreement, contributes to an employee pension or retirement plan for those employees working on the contract, such benefits being part of the employees' regular compensation and not merely on the contract, and provides evidence thereof upon request;
- m) whether the bidder, unless otherwise agreed to in a collective bargaining agreement, makes available a minimum health care plan for those employees working on the contract, such benefits being part of the employees' regular compensation and not merely on the contract and provides a copy of the plan on request;
- n) **whether the bidder has had the professional license of any of its principals or employees revoked for malfeasance or misfeasance;**
- o) whether the bidder meets any other requirements determined by the County to be specifically relevant to the proposed contract.

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

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

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

- a) shall be in compliance with Ohio's Drug-Free Workplace requirements, including, but not limited to, maintaining a substance abuse policy that its personnel are subject to on the contract (the successful bidder shall provide this policy upon request);
- b) does not have an Experience Modification Rating greater than 1.5 with respect to the Bureau of Workers Compensation risk assessment rating;

- c) is in compliance and will remain in compliance with Federal and Ohio Equal Opportunity Employment Laws;
- d) shall pay the prevailing wage rate and comply with other provisions set forth in Sections 4115.03 through 4115.16 of the Ohio Revised Code and Sections 4101:9-4-01 through 4101:9-4-28 of the Ohio Administrative Code, including but not limited to the filing of certified payroll reports;
- e) has not been debarred from public contracts for prevailing wage violations or found or determined by the state to have underpaid the required prevailing wage, whether intentionally or unintentionally, even if settled subsequent to the finding, more than three (3) times in the last ten (ten) years, provided that, when aggregating for any single project, no finding of an underpaid amount of less than \$1,000.00 shall be considered, and no single finding based upon a journeyman-to-apprenticeship ratio shall be considered a violation of this provision unless as part of multiple, similar findings;
- f) has not been penalized or debarred from any federal, state, or local public contract or falsified certified payroll records, or has otherwise been found, after appeals, to have violated the Fair Labor Standards Act in the past seven (7) years, or during the bidder's entire time of doing business, if less than seven (7) years;
- g) has not 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;
- h) 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;
- i) 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;
- j) 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;
- k) 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;
- l) shall provide access as needed and allow the Agency of the Inspector General to perform the functions provided for in Section ~~4.12~~ 3-12 of this Ordinance.
- m) shall require all of its subcontractors, at the time of execution of a subcontract, to make all of the certifications required in Section 4.8, except for Subsections g and i.

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

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

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

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

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

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

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

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

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

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

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

Section ~~4.13~~ 3-13: Home Rule Powers Asserted

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

- a) issue requests for bids, proposals, or qualifications which allow the responder to choose among two or more alternative approaches for completing the work;

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

Section ~~4.14~~ 3-14: Encouragement of Diversity

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

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

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

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

Chapter 5-4: Notification Requirements

Section 5.1 4.1: Procurement Database

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

- a) all executed contracts, purchases, and sales, other than real estate transactions, for \$1000.00 or more; and
- b) all executed purchases, sales, leases (as either lessor or lessee) of real estate.

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

Section 5.2 4.2: Grants and Loans Database

The County Executive shall develop, maintain, and post on the county's parts, which shall contain descriptions of:

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

Section 5.3 4.3: Pending Transactions Database

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

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

- d) grants and loans to be provided.

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

Section 5.4 4.4: Special Procurement Events Database

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

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

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

Section 5.5 4.5: Notification to County Councilperson

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

Section 5.6 4.6: Timeline for Databases and Notifications

The County shall exercise best efforts to ensure that the databases provided for in Sections 5.1 through 5.4 ~~4.1 through 4.4~~ of this Ordinance are in operation and posted on the county's website and the notification process provided for in Section 5.5 4.5 of this Ordinance are in operation starting not later than September 30, 2011, with the

exception that the searchable features of the databases are in operation no later than March 31, 2012. Prior to the required initiation dates for the databases and notification processes provided for in Sections **5.1 through 5.5** ~~4.1 through 4.5~~ of this Ordinance, the County Executive shall use available resources to make available to the County Council and the public as much as possible of the information required in these sections.

Section **5.7** ~~4.7~~: Historical Information not Required in Databases

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

Section **5.8** ~~4.8~~: Exclusion of Confidential Information

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

Section **5.9** ~~4.9~~: Notice of Executed Contracts, Purchases and Sales

On or about the 5th calendar day prior to each regular meeting of County Council, the Executive shall provide the County Council a list of all contracts, purchases or sales executed and all grants or loans made or received for more than \$50,000.**00** since the previous list was provided. Any change or amendment in which the total additions exceed \$50,000.**00** shall also be included. Provided that all other requirements of this Ordinance have been met, this list does not need to be provided prior to the transactions being executed.

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

SECTION 3: It is found and determined that all formal actions of this County Council meeting relating to the adoption of this Ordinance were adopted in an open

meeting of the County Council and that all deliberations of this County Council and any of its committees that resulted in such formal actions took place in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 29, 2011

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

Journal CC003

September 13, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0043

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

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

WHEREAS, Section 9.01 of the Charter of Cuyahoga County states that the County's human resources policies and systems shall be established by ordinance and shall be administered in such a manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

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

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

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

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

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

WHEREAS, the amendments proposed by the Human Resource Commission are designed to create pay equity for County employees performing similar duties; and,

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

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

SECTION 1. Council hereby adopts the following changes to the County’s current Civil Service System as codified in Chapter 124 of the Ohio Revised Code, Chapter 123:1 of the Ohio Administrative Code, the Cuyahoga County Administrative Rules and the Policies and Procedures Manual (the “Cuyahoga County Civil Service Pay Equity Plan”) (added language underlined; deleted language in ~~striketrough~~; sub-sections that are either deleted or remain in their entirety are noted in *italics* and parentheses):

The Cuyahoga County Pay Equity Plan

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

124.14 - Job Classification - Pay Ranges.

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

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

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

(3) *(Deleted in its entirety)*

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

(5) *(Deleted in its entirety)*

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

(2) *(Deleted in its entirety)*

(3) *(Deleted in its entirety)*

(4) *(Deleted in its entirety)*

(5) *(Deleted in its entirety)*

(C) *(Retained in its entirety)*

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

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

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

(E) *(Deleted in its entirety)*

(F) *(Deleted in its entirety)*

(G) *(Retained in its entirety)*

(H) *(Deleted in its entirety)*

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

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

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

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

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

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

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

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

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

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

(1) A felony that is an offense of violence as defined in section 2901.01 of the Revised Code;

(2) A felony that is a felony drug abuse offense as defined in section 2925.01 of the Revised Code;

(3) A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;

(4) A felony involving dishonesty, fraud, or theft;

(5) A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

(B) *(Deleted in its entirety)*

(C) *(Deleted in its entirety)*

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

Rule No. 3 – Position Audits

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

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

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

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

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

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

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

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

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

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

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

Section 5.09 – Non-Bargaining Position Audits

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 23, 2011

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

Journal _____
_____, 2011

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0034

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

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

WHEREAS, Section 9.01 of the Charter of Cuyahoga County states that the County's human resources policies and systems shall be established by ordinance and shall be administered in such a manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

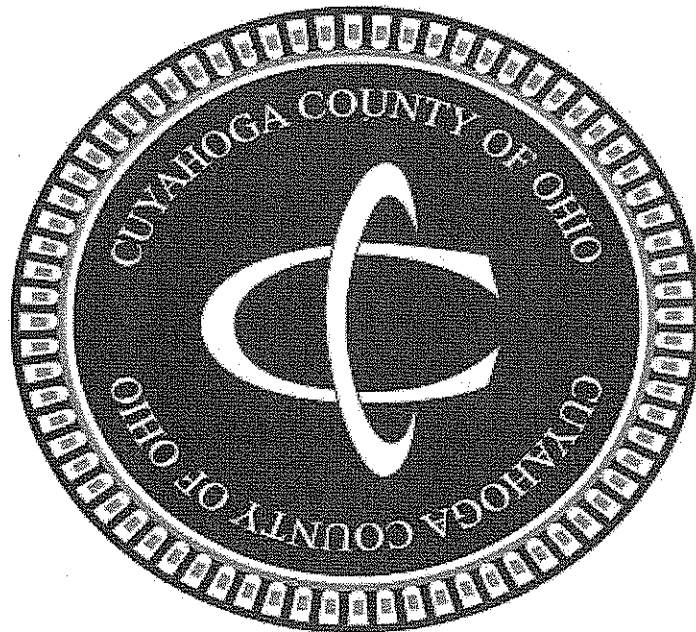
WHEREAS, it is necessary that this Ordinance become immediately effective due to the fact that civil service appeals for several employees are being held in abeyance until such time that the Human Resource Commission is operative and in order that critical services provided by Cuyahoga County can continue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

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

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

SECTION 2. It is necessary that this Ordinance become immediately effective due to the fact that civil service appeals for several employees are being held in abeyance until such time that the Human Resource Commission is operative and in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a county commission. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

Human Resource Commission Administrative Rules



**Cuyahoga County Human
Resource Commission**

Initial Adoption: 09/13/2011 (Ordinance No. O2011-0034)

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Section 1

Definitions

1.01 Definitions

- (1) *Abolishment* – The permanent deletion of a position from the organization or structure of an Appointing Authority due to lack of continued need for the position, due to reorganization for efficient operation, economy or lack of work, or other lawful purpose.
- (2) *Appointment* – Placement of an employee in a position.
- (3) *Appointing Authority* – Means the same as defined in Section 9.04 of the Cuyahoga County Charter.
- (4) *Charter* – The Cuyahoga County Charter.
- (5) *Classification* – Means any one of the following:
 - a. A group of positions of sufficiently similar duties that the same title and specification may be assigned to each;
 - b. The act of assigning a classification title to a position(s) based upon the duties performed.
- (6) *Commission* – The Cuyahoga County Human Resource Commission.
- (7) *County* – As defined in the Charter.
- (8) *County Executive* – The Cuyahoga County Executive.
- (9) *County Council* – The Cuyahoga County Council.
- (10) *Demotion* – The act of placing an individual in a position, at the request of an Appointing Authority or the employee, the classification for which carries a lower salary range than that of the classification the employee currently holds.
- (11) *Director* – The Director of the Cuyahoga County Human Resources Department as appointed by the County Executive.
- (12) *Human Resources Department* – The Cuyahoga County Department of Human Resources.



- (13) *Layoff* – A suspension of employment due to either a lack of work or a lack of funds, or other lawful purpose.
- (14) *Meeting* – Any prearranged discussion of the public business of the HRC by a majority of its members.
- (15) *Pay* – The annual, non-overtime compensation due an employee.
- (16) *Pay Range* – The pay grade assigned to a position or classification.
- (17) *Position* – The name that applies to a group of duties intended to be performed by an employee.
- (18) *Promotion* – The appointment of an employee to a different position assigned a higher pay range than the employee’s previous position.
- (19) *Reassignment* – The assignment of an employee to a different classification.
- (20) *Reclassification* – The assignment of a different classification to a position.
- (21) *Reduction in Pay* – An action that diminishes an employee’s pay. The ending of supplemental pay shall not be considered a reduction.
- (22) *Reduction in Position* – An action that diminishes an employee’s duties or responsibilities to the extent an audit of the employee’s position would result in a reclassification to a classification assigned a lower pay range.
- (23) *Removal* – Termination of an employee’s employment.
- (24) *Suspension* – The interruption of an employee’s employment and compensation for a fixed period of time.



Section 2

Purpose and Authority

2.01 Origin

On November 3, 2009, the citizens of Cuyahoga County, Ohio, adopted a County Charter pursuant to the authority granted to them in Article 10, Section 3 of the Ohio Constitution. Section 9.01 of the Charter requires the creation of a Human Resource Commission:

The County Executive, subject to confirmation by the Council, shall appoint the members of a Human Resource Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations.

[Reference –Charter §9.01]

2.02 Purpose

Pursuant to Section 9.01 of the Charter, the Commission (“the Commission”) is responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness.

[Reference –Charter §9.01]

2.03 Authority / Jurisdiction

Pursuant to Section 9.02 of the Charter, the Commission shall have:

- (1) Responsibility for the resolution or disposition of all personnel matters, with authority to appoint hearing officers to hear all employee appeals previously under the jurisdiction of the State Personnel Board of Review;
- (2) Responsibility for administration of countywide compliance with federal and state laws regarding personnel matters for which the County is the reporting unit and for maintenance of records required by such laws;



(3) Authority to ensure:

- a. Pay equity for like positions;
- b. Standardization of benefits;
- c. Approval of qualifications;
- d. Consistent discipline;
- e. Training of management in personnel practices;
- f. Training of employees in job functions;
- g. Training for total quality management;
- h. Consistent administration of performance management system;
- i. Coordination of recruitment;
- j. Compliance with ethics resolutions or ordinances as passed by the Council; and

(4) Such other functions as may be deemed necessary by the Council for the Commission to carry out its mission and purpose.

[Reference –Charter §9.02]

2.04 Relationship to Collective Bargaining Agreements

If an employee's collective bargaining agreement provides for a final and binding arbitration of grievances, such employee and union are subject solely to that grievance procedures and the Commission shall have no jurisdiction to receive and determine any appeals relating to matters that were the subject of a final and binding grievance procedure.

[Reference – O.R.C. §4117.08(B) & §4117.10]



Section 3

Powers and Duties of the Commission

3.01 General Powers

The Commission shall exercise the powers designated to them by the Charter and any ordinances or resolutions adopted by County Council.

3.02 Appellate Powers and Duties

The Commission shall hear appeals of employees in the classified service of the County from final decisions of Appointing Authorities, the County Executive or the Director relative to the following employment actions:

- (1) Reduction in pay or position;
- (2) Job abolishment / layoff;
- (3) Suspension of more than forty (40) work hours for FLSA exempt employees;
- (4) Suspension of more than twenty four (24) work hours for FLSA non-exempt employees;
- (5) Discharge (removal from employment);
- (6) Assignment or reassignment to a new or different position classification;
- (7) Refusal of the Director to reassign an employee to another classification or to reclassify the employee's position with or without a position audit.
- (8) Other appeals as provided for by Council ordinance.

For purposes of this section, "discharge" includes disability separations.

Determination of the classified or unclassified status of an employee shall be done in accordance with general law.



The Commission may affirm, disaffirm, or modify the decision of the Appointing Authority, County Executive or the Director, as the case may be, and its decision is final. The decisions of the Commission shall be consistent with the applicable classification specifications.

The Commission has authority to appoint hearing officers to hear such employee appeals.
[Reference – Charter §9.02(1), O.R.C. 124.03 & 124.34]

3.03 Classification Plans

The Commission shall administer a clear, countywide classification and salary administration system in accordance with the requirements set forth in the Charter.
[Reference – Charter §9.03]

3.04 Subpoena Powers

The Commission has authority to subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any matter it has authority to investigate, inquire into, or hear.

All officers in the civil service of the County shall attend and testify when summoned to do so by the Commission. Depositions of witnesses may be taken by the Commission or designee, or any member of the Commission, in the manner prescribed by law for like depositions in civil actions in the courts of common pleas. In case any person, in disobedience to any subpoena issued by the Commission, or any member of the Commission, fails or refuses to attend and testify to any matter regarding which the person may be lawfully interrogated, or produce any documentary evidence pertinent to any investigation, inquiry, or hearing, the court of common pleas of any county, or any judge of the court of common pleas of any county, where the disobedience, failure, or refusal occurs, upon application of Commission, or any member of the Commission, shall compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court.

Fees and mileage shall be allowed to witnesses and, on their certificate, duly audited, shall be paid by the Cuyahoga County Treasurer.
[Reference – O.R.C. 124.03(A)(7) & O.R.C. 124.09(G)]

3.05 Recordkeeping

The Commission shall maintain a record that shall be open to public inspection, in which it shall keep records of all of its proceedings and of the vote of each of its members upon every action taken by it.



The Commission shall properly adopt a records retention schedule in accordance with Chapter 149 of the Ohio Revised Code. All records described above shall be retained in accordance with the retention schedule.

[Reference – O.R.C. §124.03(5)]



Section 4: Meetings / Rule Making

4.01 Public Meetings

The Commission shall hold meetings as often as necessary to complete Commission business. All meetings of the Commission shall be public meetings open to the public.

All meetings shall include time at the beginning of the meeting for public comment related to the agenda for that day's meeting. Every such meeting shall also include time for public comment related to that meeting's purposes but not related to that day's agenda. Such comments may be heard either at the same time as comment related to that day's agenda or at a later time during the meeting.

The Commission's conducting of quasi-judicial hearings and its deliberations when acting in its quasi-judicial capacity are not "meetings" for purposes of this Section or Section 121.22 of the Ohio Revised Code.

[Reference – O.R.C. §121.22; *TBC Westlake, Inc. v. Hamilton County Board of Revision (1997), 81 Ohio St.3d 58*]

4.02 Notice

The schedule for regular meetings shall be posted under the "Public Notices" section of Cuyahoga County's main webpage (<http://www.cuyahogacounty.us>). In addition, notices of meetings, meeting agendas and minutes shall be posted on the Commission's webpage (<http://executive.cuyahogacounty.us/en-US/Human-Resource-Commission.aspx>). The Commission may also choose to post notices in any additional manner that it deems will further allow the public to determine the time and place of meetings.

Notices of special meetings shall be posted in the manner described above. When a special meeting is held to discuss particular issues, the statement of the meeting's purpose must specifically indicate those issues, and only those issues may be discussed at that meeting. The Commission shall not hold a special meeting unless it gives at least twenty-four (24) hours advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members of the Commission calling the meeting shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting.



Any person, upon written request to the Commission and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.

[Reference – O.R.C. §121.22; *Jones v. Brookfield Twp. Tr.* (June 30, 1995), 11th Dist. No. 92-T-4692]

4.03 Quorum

The physical presence of two members of the Commission at any scheduled meeting constitutes a quorum. The Commission cannot act without a quorum.

[Reference – O.R.C. §121.22]

4.04 Executive Session

The members of the Commission may hold an executive session only after a majority of a quorum of the Commission determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the purpose of considering one of the authorized matters provided in Section 121.22 of the Ohio Revised Code. The motion and roll call vote to hold the executive session shall state which one or more of the approved matters are to be considered at the executive session and the vote must be recorded in the minutes. The Commission may not take any formal action in an executive session.

[Reference – O.R.C. §121.22]

4.05 Minutes

The minutes of any meeting of the Commission shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions.

[Reference – O.R.C. §121.22]

4.06 Rule Making Procedure

For purposes of this Section, “rule change” includes addition of a new rule, or rescission or amendment of an existing rule. In addition, for purposes of this Section, the word “rule” includes HRC Administrative Rules, Cuyahoga County Administrative Rules, and employee classifications.

Rule changes may be proposed to the Commission by the Director or by an individual Commission member. Proposed rule changes shall be provided to the Commission at least



twenty (20) days prior to the date of the Commission meeting where the rule changes will be heard. Proposed rule changes shall be submitted with a coversheet containing the following information:

- (1) A statement declaring the intention to consider adopting, amending or rescinding the a rule;
- (2) A synopsis of the proposed rule change a general statement of the subject matter to which the proposed rule change relates; and
- (3) A statement of the reason or purpose for the rule change.

Upon receipt, the Commission shall post the proposed rule changes and the coversheet on its webpage (<http://executive.cuyahogacounty.us/en-US/Human-Resource-Commission.aspx>). The posting should include the date, time and place of the Commission meeting where the proposed rule change will be heard.

The agenda for any Commission meeting where a rule change will be presented shall clearly designate a portion of the meeting for consideration of the proposed rule changes. During this portion of the meeting, the Commission shall read the synopsis for each proposed rule change. The public shall then be permitted to comment in accordance with Section 4.01 of these Rules.

Upon closing of the public comment, the Commission shall have an opportunity to discuss the matter. The Commission may submit amendments to the proposed rule change during this meeting, so long as the final rule change is consistent with the synopsis that was posted prior to the meeting. The Commission shall then either (1) vote to table the matter to a subsequent meeting, or (2) vote whether to recommend the proposed rule change be submitted to County Council for approval. If a majority of the members of the Commission vote in the affirmative, the proposed rule(s) will be referred to County Council as an ordinance. A vote to reject the proposed rule change(s) does not preclude resubmittal of all or part of the rule change(s) at a subsequent meeting.



Section 5: **Administrative Functions**

5.01 Delegation of Administrative Functions

The Commission delegates the following administrative functions to the Human Resources Department, which shall serve under the day-to-day direction of the Director:

- (1) Administration of efficient and economical system for the employment of persons in the public service of the County according to merit and fitness;
- (2) Administration of Countywide compliance with federal and state laws regarding personnel matters for which the County is the reporting unit and for maintenance of records required by such laws; and
- (3) Administration of policies and systems designed to ensure:
 - a. Pay equity for like positions;
 - b. Standardization of benefits;
 - c. Approval of qualifications;
 - d. Consistent discipline;
 - e. Training of management in personnel practices;
 - f. Training of employees in job functions;
 - g. Training for total quality management;
 - h. Consistent administration of performance management system; and
 - i. Coordination of recruitment.

The Commission shall also delegate additional administrative functions that are assigned by County Council to the Commission. Such assignment may be made through motion by the Commission.

The Commission shall retain an oversight role regarding all powers and duties delegated under this Section.

[Reference - Charter §9.02, §9.05]



5.02 Ethics

Pursuant to Section 9.02 of the Charter, the Commission shall have the authority to ensure compliance with ethics resolution as passed by County Council. Pursuant to Section 1 of Article VIII of the Cuyahoga County Ethics Code (“the Ethics Code”), the Commission shall be the ethics compliance and training body for the County pertaining to the Ethics Code. More specifically, the Commission shall:

- 1) Provide copies to all employees of Ohio and County laws relating to ethics and related policies and manuals in accordance with Section 14 of Article 2 and Section 3 of Article 7 of the Ethics Code;
- 2) Ensure that employees acknowledge in writing that they have received the materials provided for in the above paragraph;
- 3) Conduct ethics training programs and classes for County employees, lobbyists and contractors; and
- 4) Take other actions necessary to perform its responsibilities for ethics compliance and training for the County pertaining to the Ethics Code, except for actions specifically assigned to another unit of Cuyahoga County government.

Within fifteen (15) days of a public official’s or employee’s, lobbyists’ or contractor’s initial date of service, reappointment, reelection, rehire or re-registration, whichever is applicable and annually, the Commission shall furnish the public official, employee, lobbyist or contractor with a copy of all current Ohio and County laws and polices relating to ethics. In addition, all public officials and employees shall personally attend ethics training programs and classes. The public official or employee shall sign an ethics statement indicating that they have read, understood and agreed to the Ethics Code and acknowledge their receipt of materials and attendance to all programs and classes in writing to the Commission.

In addition to the above cited duties, Section 2 of Article VIII of the Ethics Code grants the Commission the authority to write and send letters of notification, admonition, and censure regarding ethics law violations, when applicable. The Commission, however, shall not exercise this authority unless one of the following occurs:

- The Inspector General requests assistance from the Commission due to a conflict of interest;
- The Commission, by a majority vote, determines that it is necessary to exercise this authority.

In accordance with Section 21 of Article VII of the Ethics Code, the Commission shall ensure that the whistleblower provisions of the Ethics Code are posted on the Cuyahoga County website and in all physical locations where other human resources policies are posted.



Section 6:

Employer Requirements

6.01 Notice Requirements

Any action taken by an Appointing Authority, the County Executive or the Director (collectively referred to as “the Employer” for purposes of this Section) that creates a right of appeal for an employee shall be done in the following manner:

- In writing and signed by the Employer or designee;
- The original or a copy of the action shall be served upon the employee on, before or as soon as practicable after the effective date of the action;
- The document should, on its face, indicate the particulars that form the basis for the action; and
- The document should specifically describe the procedures required for the employee to exercise their appellate rights.

The notice document shall be “served upon the employee” when:

- It is personally served upon the employee;
- It is received by the employee at the employee’s last known address, by certified mail, return receipt requested; or
- It is left at the usual place of residence, or last known address of the affected employee, with an adult residing therein.

If the service by certified mail under this Section is returned with an endorsement showing the service was refused or unclaimed, then the notice may be sent by ordinary mail, evidenced by a certificate of mailing (or employee affidavit). Such notice shall be deemed “served” on the third calendar day after the order is mailed.

An action will not be disaffirmed based upon failure of service where the employee has failed to notify the Employer of a change address. The burden is on the employee to prove the Employer was notified of a change in the employee’s address.



6.02 **Laches**

Employees shall not be disciplined for acts that have been known or should have been known to the Employer more than two years prior to the effective date of the disciplinary action.

This rule does not bar discipline based upon a criminal conviction, less than two years old, although the incidents giving rise to such conviction occurred more than two years prior to the imposition of discipline.

6.03 **Merger and Bar**

All incidents that occurred prior to the incident for which a non-oral disciplinary action is being imposed, of which the Employer has knowledge and for which an employee could be disciplined, are merged into the non-oral discipline imposed by the appointing authority. Incidents occurring after the incident for which a non-oral disciplinary action is being imposed, but prior to the issuance of the non-oral disciplinary order, are not merged and may form the basis for subsequent discipline.



Section 7:

Appellate Procedure

7.01 Manner of Filing Appeals

All appeals to the Commission shall be in writing and shall include the following information:

- The Employee's name;
- The Employee's address and telephone number;
- Employee's Appointing Authority (Department); and
- A copy of the action being appealed or a brief summary of the subject of the appeal.

Appeals shall be filed with the Human Resources Commission at the following location:

Human Resources Commission
County Administration Building
1219 Ontario Street
Cleveland, Ohio 44113

7.02 Time for Filing Appeals

All appeals shall be filed with the Commission within ten (10) calendar days of the date on which the employee was served with the action in question. The date the employee receives the notice is not counted as part of the 10 days. Appeals filed after that date will not be considered.

An appeal shall be deemed to be "filed" when one of the following occurs:

- The appeal is received in person and date stamped by the Commission;
- The appeal is postmarked; or
- The appeal is received by facsimile or e-mail (date of filing shall be the date marked on the appeal by the Commission's facsimile machine or e-mail system).

7.03 Interim Appeals

The Commission retains jurisdiction over all applicable employment actions that were taken during the time period from January 1, 2011 through the effective date of these Rules. All employees who properly perfected appeals in accordance with the instruction provided by the Human Resources Department shall be considered to have met all of the filing requirements of this section. Employees who did not properly perfect appeals in accordance with the instruction provided by the Human Resources Department shall be deemed to have waived their right to appeal the underlying employment action.



7.04 Docketing

Upon receipt of an appeal, the Commission shall conduct a preliminary review to determine the following:

- Whether the appeal was properly perfected in accordance with these Rules; and
- Whether the Commission has jurisdiction to hear the appeal.

Should the Commission determine that the appeal was not properly perfected or the Commission lacks jurisdiction to hear the appeal, the Commission may issue a final order dismissing the appeal. In addition, the Commission may choose to schedule a hearing on either of the above issues.

Once the Commission determines that an appeal shall go forward for hearing, it shall either:

- Assign the appeal to a Hearing Officer for hearing; or
- Retain matter for hearing by full Commission.

When assigning a matter to a Hearing Officer for hearing, the Commission shall transmit a docketing statement to the Hearing Officer that includes the following information:

- Name and contact information for appellant;
- Appellant's Appointing Authority;
- Summary of basis of appeal; and
- Timeframe for completion of hearing and report.

7.05 Hearings

Scheduling

The Commission (or Hearing Officer) shall notify all parties and known representatives of the time, date, and place of any evidentiary hearing at least twenty-one (21) calendar days in advance of the hearing. Continuances may be granted, upon written motion and for good cause shown (e.g., medical reasons, witness unavailability, unavoidable schedule conflict).

Discovery/Subpoenas

Prior to the hearing, the parties may make requests to the Commission (or Hearing Officer) to issue procedural orders commanding the opposing party to disclose certain documentation and/or information. The Commission (or Hearing Officer), in their sole discretion, may issue the requested procedural order, issue a modified procedural order or reject the request. If a party fails to comply with a procedural order, the Commission may dismiss the appeal or grant other appropriate relief to the opposing party.

Upon the request of either party made on or before the tenth (10th) calendar day prior to hearing, the Hearing Officer or the Commission may, in its own discretion, issue subpoenas for such persons, documents, and attendance of witnesses as the requesting party deems necessary. Such subpoenas shall be served in the manner described in Section 3.04 of these Rules.



Evidence

The parties may offer such evidence as is relevant and material to the appeal. The Hearing Officer or the Commission shall be the judge of the relevancy and materiality of the evidence offered. Conformity to legal rules of evidence shall not be necessary. The Commission may request offers of proof, and may disregard evidence deemed to be unreliable, and reject evidence deemed to be cumulative, unnecessary, or of slight value.

Burdens of Proof

With regard to a disciplinary action, the Employer is required to prove by a preponderance of the evidence:

- That the Employer has substantially complied with the procedural requirements detailed in Section 6 of these Rules; and
- That the employee committed a sufficient disciplinary offense(s) to justify the discipline received.

With regard to a job abolishment, the Employer shall demonstrate by a preponderance of the evidence:

- That the Employer substantially complied with the procedural requirements associated with the job abolishment; and
- That the job abolishment was undertaken due to a lack of a continuing need for the position based on: a reorganization for the efficient operation of the appointing authority; reasons of economy; or a lack of work expected to last one year or longer. Certification of lack of funds or lack of work is not required for job abolishments.

With regard to a layoff, the Employer shall demonstrate by a preponderance of the evidence

- That the Employer substantially complied with the procedural requirements associated with the layoff; and
- That a layoff was undertaken due to a lack of work or lack of funds.

Job abolishments and layoffs shall also be disaffirmed if the Commission determines that the action was taken in bad faith. The employee is required to prove the Employer's bad faith by a preponderance of the evidence.

The standard of proof for all other appeals before the commission shall be a preponderance of the evidence.

Official Record

All hearings shall be recorded either by stenographic means or by the use of audio electronic recording devices, as the Commission determines. The stenographic or audio record is the official record and shall be maintained/destroyed in accordance with the Board's record retention schedule.



Post-Hearing Briefs

The Hearing Officer or Commission, in its own discretion, may allow the parties to a hearing to submit post-hearing briefs. A reasonable briefing schedule shall be established by the Hearing Officer or Commission in such cases. The official record shall be held open in such cases until the time for submittal of the briefs has passed. Any brief submitted within this time period shall be included as part of the official record.

Reports and Recommendations

After the official record has been closed, the Hearing Officer or the Commission will consider all evidence and submissions and issue a Report and Recommendation making findings of fact and conclusions of law. The Report and Recommendation shall be sent by regular mail to the last known post office address of all interested parties.

Either party may file with written objections to the Report and Recommendation with the Commission within fourteen (14) calendar days after the date on which the Report and Recommendation was mailed. For purposes of filing the objection, the written objection must actually be received by the Commission within the fourteen (14) day period. A party filing a written objection must also serve a copy of the objections on the opposing party. The opposing party shall have fourteen (14) calendar days from receipt of the objections to file a written response to the objections. The response to objections must be actually received by the Commission within this fourteen (14) day period.

7.06 Decisions of the Human Resource Commission

At the first regular meeting of the Commission following the receipt of objections or responses, if appropriate, the Commission will, as a regular item of business, shall perform one of the following actions on pending Reports and Recommendations:

- Vote to affirm the Report and Recommendation as written;
- Vote to disaffirm the Report and Recommendation and submit new decision;
- Vote to modify the Report and Recommendation;
- Vote to remand the matter back to the Hearing Officer to reopen official record for additional evidence.

All votes taken under this Section shall be done by roll call vote and recorded in the minutes. The Commission shall notify the parties in writing of its decision. The notification shall also inform the parties of their rights (if any) to appeal to Common Pleas Court.

7.07 Appeals to the Court of Common Pleas

The decision of the Board shall be a final order, and may be appealed by either the Appellant or by the County, as provided by general law.



County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0038

Sponsored by: County Executive FitzGerald/Human Resource Commission	An Ordinance providing for adoption of various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Section 9.01 of the Charter of Cuyahoga County states that the County's human resources policies and systems shall be established by ordinance and shall be administered in such a manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, Section 9.03 of the Charter of Cuyahoga County states that the Cuyahoga County Human Resource Commission shall administer a clear, countywide classification and salary administration system for technical, specialist, administrative and clerical functions with a limited number of broad pay ranges within each classification; and,

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

WHEREAS, the Director of Human Resources submitted several proposed changes to the Cuyahoga County Non-Bargaining Classification Plan to the Human Resource Commission; and,

WHEREAS, on August 3, 2011, the Human Resource Commission adopted a motion recommending that the classification changes attached as Exhibits A through D to this Ordinance be submitted to County Council for approval; and,

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

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

SECTION 1. Council hereby adopts the following changes to the Cuyahoga County Non-Bargaining Classification Plan:

New Classifications

Exhibit A: Class Title: *Human Resource Specialist*
Number: 1053712
Pay Grade: 14

Exhibit B: Class Title: *Human Resource Analyst*
Number: 1053711
Pay Grade: 9

Exhibit C: Class Title: *Recruitment and Retention Manager*
Number: 1053634
Pay Grade: 16

Exhibit D: Class Title: *Training Manager*
Number: 1053645
Pay Grade: 14

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: August 9, 2011
Committee(s) Assigned: Human Resources, Appointments & Equity

Second Reading/Referred to Committee: August 23, 2011
Committee(s) Assigned: Human Resources, Appointments & Equity

Journal CC003
September 13, 2011

CUYAHOGA COUNTY CLASSIFICATION SPECIFICATION

Class Title:	Human Resource Specialist	Class Number:	1053712
		Pay Grade:	14

Departments:	Human Resource Department, only
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Classification Function

The purpose of this classification is to oversee and guide the human resource function for County departments as assigned. Human resource services include employment, benefits, personnel policy administration, labor and employee relations and training and development.

Essential Job Functions

The following duties are normal for this classification. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Assists in planning, developing, organizing, implementing, evaluating and directing the Human Resource Department
- Responsible for a variety of human resource services including benefits, recruitment, classification and compensation (e.g. - assists with enforcement of administrative rules for the purpose of carrying out the functions, powers and duties of the County Human Resource Department; reviews position descriptions or job postings as positions become vacant or change; researches classification plan for appropriate classification of new positions; assists develop personnel policy administration and training and development)
- Participates in employee discipline process (e.g. - conducts employment investigation for employees who have allegedly violated work rules or other County policies; presides as hearing officer in pre-disciplinary conferences; interviews witnesses; evaluates evidence and prepares a written report presenting the facts of the case; conducts 3rd step grievances and serves as a liaison to the agency on labor relations matters; assists the Deputy Director in the preparation of defense of employment cases)
- Serves as a lead worker over Human Resource Analysts (e.g. - plans, coordinates, assigns and reviews work; provides input into performance evaluations)
- Represents the Department in various capacities (e.g. - assists representing the County in all matters before the Human Resource Commission, EEOC, OCRC, SERB, and the Unemployment Commission; serves as contact person for staff for employee relations matters including questions on policies and procedures; represents the County in matters pertaining to labor and employment)
- Reviews all requests from department directors for replacement personnel; consults with department directors to ensure appropriate staffing levels in order to eliminate and/or correct problem areas and improve services
- Reviews and approves requests for leaves (e.g. - FMLA, Medical Leave, Personal Leave, Etc.); ensures compliance with and must be proficient in employment regulations such as FMLA, ADA and FLSA
- May coordinate special projects (e.g. - establishes goals and timelines; facilitates, oversees and expedites the paper flow for processing paperwork for various forms (new hire packets, promotions, FMLA forms); ensures timelines of sensitive transactions are completed in a timely manner)
- Performs miscellaneous duties (e.g. - maintains organizational structure in HRIS; oversees the administration of provisions in the collective bargaining agreements)

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in human resources, labor relations or employment relations with nine years of personnel experience including three years in a supervisory capacity; or any equivalent combination of training and experience

Additional Requirements

SPHR Certification is required upon hire

Minimum Physical and Mental Abilities Required to Perform Essential Job Functions

Physical Requirements

- Ability to operate a variety of automated office machines including personnel computer, printer, and copier

Supervisory Responsibilities

- Ability to assign, review, plan and coordinate the work of other employees
- Ability to provide instruction to other employees
- Ability to recommend the discipline or discharge of other employees

Mathematical Ability

- Ability to add, subtract, multiply, divide, calculate decimals and percentages and apply the principles of descriptive statistics

Language Ability & Interpersonal Communication

- Ability to comprehend a variety of informational documents including employment applications, résumés, PERS applications, job audit forms, performance evaluations, grievances, transcripts of depositions, incident reports, union contracts, requests for leave and other reports and records
- Ability to comprehend a variety of reference books and manuals including the PERS manual, Americans with Disabilities Act (ADA) handbook, personnel policy manuals and Ohio Revised Code
- Ability to prepare position postings, surveys, grievance reports, performance evaluations, position descriptions, correspondence and other job related documents using prescribed format and conforming to all rules of punctuation, grammar, diction and style
- Ability to manage, supervise and counsel employees, to convince and influence others, to record and deliver information, to explain procedures, to follow instructions
- Ability to use and interpret human resource terminology and language
- Ability to communicate with the County Human Resource Director, directors, managers, supervisors, Human Resource Commission, other County employees, and the general public

Environmental Adaptability

- Work is typically performed in an office environment

Cuyahoga County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective employees and incumbents to discuss potential accommodations with the employer.

CUYAHOGA COUNTY CLASSIFICATION SPECIFICATION

Class Title:	Human Resource Analyst	Class Number:	1053711
		Pay Grade:	9

Departments:	Office of Human Resources, only
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Classification Function

The purpose of this classification is to provide comprehensive personnel services for County departments in the area of employment, benefits, personnel policy administration, labor and employee relations and training and development.

Essential Job Functions

The following duties are normal for this classification. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Provides human resource services for assigned County department in the area of employment and benefits (e.g. - works collaboratively with each department to assist with recruitment for employees including reviewing and screening applications and resumes, contacting references, conducting initial screening interviews and coordinating follow up interviews as needed; prepares personnel requisition forms for vacant positions; contacts recommended applicants with job offer; coordinates completion of employment paperwork by new employee; responds to employment questions from general public and County employees; communicates with staff on employment benefit programs and answers questions as needed)
- Provides analysis, advice and counsel to managers, supervisors and employees regarding work issues, development plans, operational strategies, and human resource policies and procedures and indicate suggestive corrective action to resolve problem areas
- Assists with employee discipline process (e.g. - gathers statements; investigates complaints; conducts pre-disciplinary hearings as assigned by lead worker or manager)
- Provides reports requested by department directors or managers (e.g. - provides staffing level reports; provides Family Medical Leave Act usage reports, etc)
- Functions as a proficient user of Human Resource Information System (HRIS) (e.g. - works proficiently in HRIS (SAP); provides system guidance; may enter non-routine changes)
- Represents departments at meetings; serves as liaison to Ohio Public Employee's Retirement System
- Performs miscellaneous duties (e.g. - processes FMLA paperwork; processes personnel actions in HRIS; prepares AWOL reports using HRIS; updates organizational charts using HRIS)

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in human resources with five years of human resource experience; or any equivalent combination of training and experience

Additional Requirements

PHR Certification is preferred

Minimum Physical and Mental Abilities Required to Perform Essential Job Functions

Physical Requirements

- Ability to operate a variety of automated office machines including personal computer, printer, copier

Mathematical Ability

- Ability to add, subtract, multiply, divide and calculate decimals and percentages

Language Ability & Interpersonal Communication

- Ability to comprehend a variety of informational documents including employment applications, resumes, personnel action forms, classification specifications, position descriptions, grievances, personnel files and other reports and records
- Ability to comprehend a variety of reference books and manuals including software manuals, Ohio Revised Code, and personnel policy manuals
- Ability to prepare personnel actions, tables of organization, performance evaluations, various human resource reports, correspondence and other job related documents using prescribed format and conforming to all rules of punctuation, grammar, diction and style
- Ability to counsel employees, to convince and influence others, to record and deliver information, to explain procedures, to follow instructions
- Ability to use and interpret human resource terminology and language
- Ability to communicate with County employees, Human Resource Director, and the general public

Environmental Adaptability

- Work is typically performed in an office environment

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CUYAHOGA COUNTY CLASSIFICATION SPECIFICATION

Class Title:	Recruitment & Retention Manager	Class Number:	1053634
FLSA:	Exempt	Pay Grade:	16
Dept:	Human Resources, only		

Classification Function

The purpose of this classification is to manage the County's recruitment and retention program

Essential Job Functions

The following duties are normal for this classification. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Manages the County's recruiting program (e.g. - manages the design, development and implementation of processes required to attract and place employees; works with departments to develop an understanding of their staffing needs; coordinates recruiting and timeline for each vacancy; coordinates job posting; oversees applicant tracking system to identify and track a qualified pool of candidates)
- Manages County's classification and compensation plan (e.g. - develops and manages the implementation of the County's classification and compensation plan; manages administrative rules governing the classification and compensation plan; manages the integration of additional organizations into the County's plan; safeguards the integrity of the job evaluation process; reviews job audit findings and assigns employees to proper classifications; responds to job audit questions and develops job audit finding communication; confers with and reviews departmental reorganization plans; reviews establishment of new positions for appropriate classification; maintains record of final decisions regarding classification of positions and assignment of employees to classifications; coordinates salary surveys and pay structure revisions; manages development and revision of classification specifications; responds to ensures consistency of minimum qualifications among classifications; presents findings and recommendations to the Human Resource Commission; confers on complex work problems)
- Assists the County Human Resource Director in administration of all County human resource services in compliance with Sections 124.01 - 124.64 and Chapter 325 of the Ohio Revised Code (e.g.- assists with enforcement of administrative rules for the purpose of carrying out the functions, powers and duties of the County Human Resource Department; interprets personnel policies and procedures)
- May supervises lower level human resource staff (e.g. - plans, coordinates, assigns and reviews work; evaluates performance; responds to employee problems; maintains work standards; provides instruction and training; recommends selection, transfer, promotion, or discipline of employees; evaluates performance; reviews and approves requests for leave)

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in personnel administration, human resources or related field with ten years of human resource experience including three years in a supervisory capacity; or any equivalent combination of training and experience

Additional Requirements

No special license or certification is required

Minimum Physical and Mental Abilities Required to Perform Essential Job Functions**Physical Requirements**

- Ability to operate a variety of automated office machines including personal computer, printer, copier and fax machine

Supervisory Responsibilities

- Ability to assign, review, plan and coordinate the work of other employees
- Ability to provide instruction to other employees
- Ability to recommend the discipline or discharge of other employees
- Ability to recommend the transfer, promotion or salary increase of other employees

Mathematical Ability

- Ability to add, subtract, multiply, divide, calculate decimals and percentages and apply the principles of descriptive statistics

Language Ability & Interpersonal Communication

- Ability to comprehend a variety of informational documents including employment applications, résumés, classification specifications, job audit forms, performance evaluations, requests for leave and other reports and records
- Ability to comprehend a variety of reference books and manuals including the PERS manual, Americans with Disabilities Act (ADA) handbook, job classification book, personnel policy manuals and Ohio Revised Code
- Ability to prepare position postings, surveys, performance evaluations, job audit reports, classification specifications, position descriptions, correspondence and other job related documents using prescribed format and conforming to all rules of punctuation, grammar, diction and style
- Ability to manage, supervise and counsel employees, to convince and influence others, to record and deliver information, to explain procedures, to follow instructions
- Ability to use and interpret human resource terminology and language
- Ability to communicate with the County Executive, County Human Resource Director, directors, managers, supervisors, Human Resource Commission, Department of Administrative Services, State Personnel Board of Review, other County employees, other elected officials and the general public

Environmental Adaptability

- Work is typically performed in an office environment

Cuyahoga County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective employees and incumbents to discuss potential accommodations with the employer.

EXHIBIT D

CUYAHOGA COUNTY CLASSIFICATION SPECIFICATION

Class Title:	Training Manager	Class Number:	1053645
FLSA:	Exempt	Pay Grade:	14
Dept:	Human Resources, only		

Classification Function

The purpose of this classification is to manage, coordinate and implement County training programs and initiatives

Essential Job Functions

The following duties are normal for this classification. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- Manages County training programs and initiatives (e.g - develops and coordinates training and educational development programs; coordinates and facilitates training programs such as new employee orientation, sexual harassment, ethics, etc ; develops an annual calendar of training and development opportunities including references to external opportunities; maintains training materials; produces training materials and manuals; organizes the use of training materials including e-learning; manages training materials; ensures that statutory training requirements are met; conducts training needs assignments; amends and revises training programs as needed; helps line managers or solve specific training problems, either one-to-one or in groups; develops and maintains training budget)
- Administers training program activities (e.g - identifies and determines training and development needs; plans and develops training programs to meet those needs; implements training programs; compiles training evaluation results; reviews evaluations with staff and forwards results to supervisor)
- Develops and manages County performance appraisal process
- Manages, leads and motivates lower-level training personnel (e.g - assigns and reviews work; evaluates employee performance; responds to employee complaints; provides instruction and feedback; trains instructors and supervisors in techniques and skills for training and dealing with employees)
- Performs public relations duties (e.g - represents training department at various meetings and conferences; provides technical assistance and consultation to departments regarding training needs; delivers speeches and prepares correspondence)

Minimum Training and Experience Required to Perform Essential Job Functions

Bachelor's degree in education or human resources with nine years of training experience including three years in a supervisory capacity; or any equivalent combination of training and experience

Additional Requirements

No special license or certification is required

Minimum Physical and Mental Abilities Required to Perform Essential Job Functions

Physical Requirements

- Ability to operate a variety of automated office machines including personal computer, fax, printer, calculator, copier, etc

- Ability to operate audio-visual equipment

Supervisory Responsibilities

- Ability to assign, review, plan and coordinate the work of other employees
- Ability to provide instruction to other employees
- Ability to evaluate the performance of assigned employees
- Ability to recommend the discipline or discharge of other employees
- Ability to recommend the transfer, promotion or salary increase of other employees

Mathematical Ability

- Ability to add, subtract, multiply, divide and calculate decimals and percentages

Language Ability & Interpersonal Communication

- Ability to comprehend a variety of informational documents including employment applications, résumés, job audit forms, classification specifications, training literature, training plans, performance evaluations and other reports and records
- Ability to comprehend a variety of reference books and manuals including policies and procedures, State regulations and training manuals
- Ability to prepare memos, correspondence, training proposals, training needs analysis, training budgets, monthly reports, and other job related documents using prescribed format and conforming to all rules of punctuation, grammar, diction and style
- Ability to manage people and programs, to supervise and counsel employees, to convince and influence others, to record and deliver information, to explain procedures, and to follow instructions
- Ability to use and interpret education, legal, counseling and personnel terminology and language
- Ability to communicate effectively with department supervisors, training personnel, consultants, other County employees, and the general public

Environmental Adaptability

- Work is typically performed in an office environment

Cuyahoga County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective employees and incumbents to discuss potential accommodations with the employer.