

AGENDA
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 22, 2011
CUYAHOGA COUNTY JUSTICE CENTER
COUNCIL CHAMBERS – 1ST FLOOR
6:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SILENT MEDITATION
4. ROLL CALL
5. PUBLIC COMMENT RELATED TO AGENDA
6. APPROVAL OF MINUTES
 - a) February 15, 2011 Meeting
7. MESSAGES FROM THE COUNTY EXECUTIVE
8. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES
 - a) **R2011-0068**: A Resolution providing for the appointment of Joanne Gross as Senior Policy Advisor, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally
9. CONSIDERATION OF ORDINANCES OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE
 - a) **O2011-0012**: An Ordinance amending the Public Records Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

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

Sponsors: Miller and Greenspan

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

Sponsors: Miller and Jones

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

- a) **R2011-0069**: A Resolution approving the appropriation of funds for the Year 2011 based on the Statement of Appropriation Status dated 12/31/2010, and declaring the necessity that this Resolution become immediately effective:
- 1) free balances for grants and capital projects.
 - 2) encumbrances for grants and capital projects.
 - 3) encumbrances for all other funds.

Sponsor: County Executive FitzGerald/Office of Budget & Management

- b) **R2011-0070**: A Resolution amending the 2011 Annual Appropriation Measure by providing additional fiscal appropriations from the General Fund and other funding sources for appropriation transfers between budget accounts and for cash transfers between budgetary funds in order to meet the budgetary needs of various County departments, offices and agencies, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Budget & Management

- c) **R2011-0071**: A Resolution authorizing the County Executive to enter into an agreement with Ohio Department of Health in the amount not-to-exceed \$395,000.00 for the State AIDS Drug Assistance Program for the Ryan White HIV/AIDS Treatment Extension Act Part A for the period 1/1/2011 - 2/28/2011, and declaring the necessity that this Resolution become immediately effective.

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

11. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

- a) **R2011-0067**: A Resolution authorizing an Advanced Energy Forgivable Loan in the amount not-to-exceed \$350,000.00 to the Lincoln Electric Company for a Wind Turbine Project, located at 22801 Saint Clair Avenue, Euclid; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

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

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

- a) **O2011-0015**: An Ordinance to expire on or before 6/30/2011 providing for the approval and adoption of Human Resources Policies and Procedures for Cuyahoga County.

Sponsor: County Executive FitzGerald/Department of Human Resources

13. MISCELLANEOUS COMMITTEE REPORTS

14. MISCELLANEOUS BUSINESS

15. PUBLIC COMMENT UNRELATED TO AGENDA

16. ADJOURNMENT

NEXT MEETINGS

SPECIAL MEETING:

TUESDAY, MARCH 1, 2011
4:00 PM / COUNCIL CHAMBERS

COUNCIL WORK SESSION:

TUESDAY, MARCH 8, 2011
4:00 PM / COUNCIL CHAMBERS

REGULAR MEETING:

TUESDAY, MARCH 8, 2011
6:00 PM / COUNCIL CHAMBERS

AGENDA ACTIONS
CUYAHOGA COUNTY COUNCIL SPECIAL MEETING
TUESDAY, FEBRUARY 15, 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 4:08 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. SILENT MEDITATION

Council President Connally requested there be a moment of silent meditation to reflect on the passing of Mr. George David Phillips, father of George Phillips, who serves as an administrative assistant to the Council.

4. ROLL CALL

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

On a motion by Mr. Miller with a second by Mr. Greenspan, the agenda was amended to insert Item No. 12 after Item No. 7 and to add an additional item to Item No. 12. The motion was then considered and approved by unanimous vote.

5. PUBLIC COMMENT RELATED TO AGENDA

Mr. Fred Pausch, Executive Director of the County Engineers Association of Ohio, addressed Council regarding issues of concern to him relating to credentials required of a County Engineer, establishing a Department of Public Works and appointing a Director of Public Works.

6. APPROVAL OF MINUTES

a) February 8, 2011 Meeting

On a motion by Mr. Miller with a second by Mr. Gallagher, the minutes of the February 8, 2011 meeting were unanimously approved.

7. MESSAGES FROM THE COUNTY EXECUTIVE

- a) Contracts executed by County Executive

No report was given by County Executive FitzGerald.

As the agenda was amended to insert Item No. 12 after Item No. 7 and to add an additional item to Item No. 12, Council then proceeded to Item No. 12.

8. CONSIDERATION OF MOTIONS OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Miller, seconded by Mr. Gallagher and approved by unanimous vote to suspend Rules 7E and 13A for Motions No. M2011-0008, No. M2011-0009 and No. M2011-0010.

- a) M2011-0008: A Motion confirming the County Executive's appointment of Bonita Teeuwen upon her taking the oath of office as the Director of Public Works of Cuyahoga County.

Sponsor: Council President Connally

On a motion by Mr. Schron with a second by Ms. Simon, Motion No. M2011-0008 was considered and approved by unanimous vote.

- b) M2011-0009: A Motion confirming the County Executive's appointment of Gerald E. Fuerst upon his taking the oath of office as the Clerk of Courts of Cuyahoga County.

Sponsor: Council President Connally

On a motion by Mr. Rogers with a second by Ms. Simon, Motion No. M2011-0009 was considered and approved by majority vote with Mr. Greenspan casting a dissenting vote.

- c) M2011-0010: A Motion to appoint an individual to serve on a Board of Revision for Cuyahoga County.

Sponsor: Council President Connally

The Clerk read into the record the name of Ricardo Ramos as the individual to be appointed to serve on a Board of Revision for Cuyahoga County. On a motion by Mr. Miller with a second by Mr. Brady, Motion No. M2011-0010 was considered and approved by unanimous vote.

9. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Miller, seconded by Mr. Brady and approved by unanimous vote to suspend Rules 9D and 13A for Resolution No. R2011-0066.

- a) R2011-0066: A Resolution approving Cost Savings Agreements calling for employees in various bargaining units of the County to serve five (5) unpaid cost savings days (“furlough days”) during the period 2/13/2011 – 6/30/2011, and declaring the necessity that this Resolution become immediately effective.
- 1) American Federation of State, County and Municipal Employees, Ohio Council 8, Local 1746, covering approximately 1,250 employees in 81 classifications in the Department of Health & Human Services;
 - 2) Truck Drivers Union, Local 407, International Brotherhood of Teamsters, covering approximately 19 employees in 2 classifications in Employment & Family Services;
 - 3) Graphic Communications Conference of the International Brotherhood of Teamsters, Local 546M, covering approximately 7 employees in 1 classification in the Department of Central Services.

Sponsor: County Executive FitzGerald/Law Department

On a motion by Mr. Greenspan with a second by Ms. Simon, Resolution No. R2011-0066 was considered and adopted by unanimous vote.

10. CONSIDERATION OF A RESOLUTION FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2011-0067: A Resolution authorizing an Advanced Energy Forgivable Loan in the amount not-to-exceed \$350,000.00 to the Lincoln Electric Company for a Wind Turbine Project, located at 22801 Saint Clair Avenue, Euclid; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2011-0067 to the Economic Development & Planning and Environment & Sustainability Committees.

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

- a) O2011-0009: An Ordinance authorizing the creation of a Department of Regional Collaboration under the supervision of the County Executive to advocate for and promote cooperation and collaboration with and among the State of Ohio and other political subdivisions.

Sponsor: County Executive FitzGerald

Council President Connally referred Ordinance No. O2011-0009 to the Economic Development & Planning and Intergovernmental Relations & Collaboration Committees.

12. CONSIDERATION OF ~~AN~~ ORDINANCES FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

The agenda was previously amended to insert Item No. 12 after Item No. 7 and to add a new Ordinance No. O2011-0010. As a result, the original item numbered Ordinance No. O2011-0010 was amended to read as No. O2011-0011. A motion was then made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to suspend Rules 9D and 13A for Ordinances No. O2011-0010 and No. O2011-0011:

- a) O2011-0010: An Ordinance establishing the Department of Public Works and placing the duties and responsibilities of the Central Services operation of the County under the direction of the Department of Public Works, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald

On a motion by Mr. Schron with a second by Mr. Rogers, Ordinance No. O2011-0010 was considered and adopted by unanimous vote.

- b) ~~O2011-0010~~: O2011-0011: An Ordinance establishing that the person hired by the Department of Public Works to perform the duties declared by general law to be done by a County Engineer shall possess the credentials required of County Engineers by the Ohio Revised Code, which are currently that the County Engineer be both a registered professional engineer and a registered surveyor, licensed to practice in the State of Ohio, and declaring the necessity that this ~~Resolution~~ **Ordinance** become immediately effective.

Sponsor: County Executive FitzGerald

On a motion by Mr. Schron with a second by Mr. Rogers, Ordinance No. O2011-0011 was considered and adopted by unanimous vote.

13. EXECUTIVE SESSION

- a) Matters of pending litigation.

At 5:10 p.m., a motion was made by Mr. Miller, seconded by Mr. Schron and unanimously approved to move to Executive Session for the purpose of discussions with the County Prosecutor regarding matters of pending litigation, and for no other purpose whatsoever. At 6:35 p.m., a motion was made by Mr. Greenspan, seconded by Mr. Schron and unanimously approved to adjourn from Executive Session. Council President Connally then reconvened the special meeting.

14. MISCELLANEOUS COMMITTEE REPORTS

No committee reports were given.

15. MISCELLANEOUS BUSINESS

No miscellaneous business was discussed.

16. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given.

17. ADJOURNMENT

With no further business to discuss and on a motion by Mr. Miller with a second by Mr. Schron, the meeting was adjourned at 6:37 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0068

Sponsored by: Council President Connally	A Resolution providing for the appointment of Joanne Gross as Senior Policy Advisor, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, pursuant to Article III, Section 3.09(1) of the Charter of Cuyahoga County, the Council is granted the power to appoint and provide for the compensation and duties of the Clerk of Council and such other assistants for the Council as a whole as the Council determines to be necessary for the efficient performance of its duties; and

WHEREAS, The Council of Cuyahoga County has determined that it is necessary to hire a qualified candidate into the position of Senior Policy Advisor for Council; and,

WHEREAS, Joanne Gross has been identified as a qualified candidate for the position based on her education, employment history and years of dedicated public service; and,

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

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

SECTION 1. That Joanne Gross is hereby appointed Council's Senior Policy Advisor and shall be compensated at the annual salary of \$87,401.60, to be effective immediately upon passage of this resolution. The Council's Senior Policy Advisor shall be eligible to receive the same medical, leave and other benefits that are provided to full-time non-bargaining employees of the County Executive.

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

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

ORDINANCE NO. O2011-0012

SPONSORED BY: Miller and Greenspan

An Ordinance amending the Public Records Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

WHEREAS, Ohio Revised Code Section 149.43(E) requires that all public offices adopt a public records policy regarding the availability and maintenance of public records and proper response to public records in compliance with ORC Section 148.43(E); and

WHEREAS, the Cuyahoga County Council passed Ordinance No. O2011-0003 on January 3, 2011, which adopted a Public Records Policy for Cuyahoga County that is set to expire ninety (90) days after it became effective on January 10, 2011;

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

SECTION 1. Public Records Policy. The Public Records Policy of Cuyahoga County, Ohio, adopted as Ordinance No. O2011-0003, effective January 10, 2011, is amended to read as follows:

Public Records Policy of Cuyahoga County, Ohio

Chapter 1: Rationale

Believing that open government leads to a better-informed citizenry, greater public participation in government, better government, better public policy, and more effective use of public resources, the County Council establishes this Public Records Policy to insure the preservation and public accessibility of records relating to all functions of Cuyahoga County government. Cuyahoga County's policy in all of its functions is to strictly adhere to all of its obligations under Ohio's Public Records Law and to exceed those obligations whenever it is practical and makes sense to do so.

Chapter 2: Definitions

Section 2.1. "Committee" shall include subcommittees.

Section 2.2 "Public office" includes the following:

- (A) the office of the County Executive
- (B) the Cuyahoga County Council, including all of its committees
- (C) all departments, divisions, offices, or other organized body operating under the administration of the County Executive,
- (D) the Cuyahoga County Prosecuting Attorney
- (E) all Boards, Commissions, and Advisory Councils whose membership is wholly comprised of members appointed by the County Executive and/or the County Council
- (F) all Boards, Commissions, Advisory Councils and any similar body created by the Cuyahoga County Charter, the County Council, and/or the County Executive

Section 2.3 "Public record" includes any document, device, or item, regardless of physical form or characteristic, including electronic records, created or received by or coming under the jurisdiction of any public office, which serves to document the organization, functions, policies, decisions, procedures, operation, or other activities of the office. Electronic records include prepared documents such as word processing documents, spreadsheets, and graphic presentations as well as written electronic communications including but not limited to electronic mail and text messages. All records which meet this definition are public records, unless exempted under section 149.43 of the Ohio Revised Code.

Chapter 3: Scope of Ordinance

Section 3.1: Applicability

This ordinance is hereby adopted as the public records policy, required under Section 149.43 of the Ohio Revised Code, for every public office in Cuyahoga County government, as defined in Section 2.3 of this ordinance.

Section 3.2: Communication of Public Records Policy to Other Organizations

In order to promote the development of sound public records policies in other organizations in which Cuyahoga County participates, the Clerk of County Council shall provide a copy of the Cuyahoga County Public Records Policy to all persons who have been or are appointed to represent Cuyahoga County on Boards, Commissions, and Advisory Councils not covered under Section 2.1 of this ordinance.

Chapter 4: County Records Commission

Section 4.1: Creation of County Records Commission

There is hereby created, the County Records Commission, which shall succeed and replace the current County Records Commission. The County Records Commission shall consist of the President of County Council, who shall serve as chairperson, the Prosecuting Attorney, the Fiscal Officer, the Clerk of Court of Common Pleas, and one additional member, appointed by the County Executive. The person appointed by the County Executive shall be a County employee, who works in the office of the Fiscal Officer, and who performs the functions assigned to County Recorders under the system of county government that was used in Cuyahoga County prior to January 1, 2011.

Section 4.2: Designation of Alternates

Each member of the County Records Commission shall appoint one person as alternate, who shall replace that member at the County Records Commission whenever that member is unable to attend. Each alternate shall be an employee of Cuyahoga County who has knowledge and experience in the same areas as the member that the alternate replaces.

Section 4.3: Powers and Duties of County Records Commission

The County Records Commission shall have all the powers and perform all the duties of County Records Commissions provided for in Section 149.38 of the Ohio Revised Code, including, but not limited to, the power to recommend applications for one-time disposal of records or proposed records retention schedules to the Ohio Historical Society. The Commission may employ an archivist or records manager to serve under its direction.

Section 4.4: Rules and Procedures of the County Records Commission

The County Records Commission shall adopt its own rules and procedures, which shall be consistent with Section 149.38 of the Ohio Revised Code. Until such time as the County Records Commission

adopts such rules, it shall operate under the rules of the prior County Records Commission that existed prior to the enactment of this ordinance.

Section 4.5: Meetings of the County Records Commission

Following the enactment of this ordinance, the County Records Commission shall meet at least once every two (2) calendar months at the call of the chairperson until all departments, offices, and other instrumentalities of county government required to submit proposed records retention schedules have done so, after which the County Records Commission shall meet at least once every six months at the call of the chairperson.

Section 4.6: Within sixty (60) days after receiving a request for one-time disposal of records or a proposed records retention schedule from any office, the County Records Commission shall either approve the request and send it to the Ohio Historical Society for its consideration or return the request disapproved to the office that submitted it with a letter stating the reasons for disapproval.

Chapter 5: Public Records

Section 5.1: Maintenance of Public Records

All public offices within the scope of this ordinance shall organize and maintain all their public records so that they are readily available for inspection and copying in accordance with the Ohio Public Records Law and the Public Records Policy of Cuyahoga County.

Section 5.2 Maintenance of Electronic Mail

All electronic mail sent or received through the Cuyahoga County Information Services Center shall be the property of Cuyahoga County. All electronic mail sent or received through the Cuyahoga County Information Services Center will be available on the user's computer until the user deletes it or until the automatic system delete occurs after ninety (90) days from being sent or received, unless archived by the user.

All electronic mail, whether or not archived by the user within the first ninety (90) days, will be saved off site for one year from the date of creation or receipt. After one year, the electronic mail will be permanently purged from the Cuyahoga County Information Service Center's system.

Each user who is in an office within the scope of this ordinance shall insure that public record emails are archived and maintained so as to be readily available for inspection or copying in his/her office in compliance with the public records retention schedule of the office. Every Cuyahoga County employee covered by this ordinance shall also insure that all public record emails sent or received outside of the Cuyahoga County Information Service Center system are maintained so that they are readily available for inspection and copying.

Section 5.3: Designation of Public Records Managers

Each public office shall do the following:

(A) Designate a public records manager who shall be responsible for the maintenance of the public records for that office and for handling public records requests directed to that office.

(B) Provide a copy of the Public Records Policy of Cuyahoga County to the designated public records manager and require that manager to provide written acknowledgement of receipt of the policy.

Section 5.4: Designation of Countywide Public Records Manager

The County Executive shall appoint one employee as Countywide Public Records Manager, who shall:

(A) Assist the public records managers of the various public offices in implementing a sound and consistent countywide public records process in accordance with this ordinance, and

(B) Develop and implement a system to keep a record of all public records requests made, the length of time required to respond to each request, and a description of any denials or redactions required.

Section 5.4: Public Records Manager for County Council

The Clerk of Council is hereby designated as public records manager for Cuyahoga County Council

Section 5.5: Records Retention

Each public office that does not have a records retention schedule in place shall adopt a records retention schedule, which must be approved by the Cuyahoga County Records Commission, the Ohio Historical Society, and the Auditor of State. The records retention schedule shall specify, consistent with state law, the method by which and the length of time that records shall be kept.

Section 5.6: Publication of Public Records Policy

(A) Each public office having public office space shall prepare a poster which shall describe the public records policy of that office, explain how to obtain public records, and name the public records manager for that office. The poster shall be displayed in a conspicuous place at the office and at any branch office where the office conducts business. Each office shall post the same information and its public records retention schedule on its web-page on the county's website.

(B) The County Executive and the Clerk of Council shall each post on their respective web-pages the full Public Records Policy of Cuyahoga County, a summary of that policy, instructions on how to obtain public records, and a list of all of the public records managers for Cuyahoga County government and their contact information, and the public records retention schedule for each office.

Section 5.7: County Website

The County shall maintain a readily accessible website, which shall include separate pages for the County Executive, the County Council, and each department in County government. The County Executive and the Clerk of County Council shall insure that the website is regularly updated to provide current information, including the notice, agenda, minutes, and reports of all public meetings conducted by offices within the scope of this ordinance and instructions on how to obtain public records.

Section 5.8: Journal of County Council

The Clerk of County Council shall keep a Journal of Council, which shall be posted on the County's website and kept in a permanent file, which may be in an electronic format. The Journal shall include the minutes of all Council meetings and shall include a list of all ordinances, resolutions, and Motions of Council, including the number, title, sponsor, date of first reading, committee assignment, date of second reading, date of third reading, or date of dispensing with the requirement for multiple readings, and date of the adoption of failure to adopt. The Journal of Council shall also include the agenda for all Council meetings, the agenda and minutes for all committee meetings, all committee reports, and a list of all Executive Sessions conducted by the County Council or any committee thereof. For each Executive Session conducted, the list shall name the Council or the specific committee holding the session, the date, time of start and conclusion, location, and matters discussed.

Section 5.9: Minutes of Meetings

Minutes shall be kept at all public meetings and executive sessions and maintained as public records. Minutes of all meetings shall be available to the public and posted on the appropriate page of the

county's website within seven (7) days of the meeting. The minutes of all public meetings shall include the following:

- (A) the name of the organization conducting the meeting;
- (B) that location, date, and time that the meeting started and the time that the meeting adjourned;
- (C) a presentation of the events of the meeting that included all matters discussed and all actions taken, including amendments and procedural actions;
- (D) a summary of all votes taken, including a description of the question that was considered, the results of the vote, and the vote of each member.

The minutes of all executive sessions shall include the location of the meeting, the date and time that the meeting started and concluded, a list of members present, the names and titles of other persons present, and matters discussed.

Section 5.10: Codification of Ordinances

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

Section 5.11: Authorization to Make Technical Changes

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

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

Section 5.12: Historical Record of Codified Ordinances

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

Section 5.13: Maintenance of Codified Ordinances and Historical Record

The Clerk of Council shall maintain the Codified Ordinances and historical records of the Codified Ordinances on the County's website and in a permanent file, which may be in an electronic format. At the end of each calendar year, a permanent file of the Codified Ordinances as of that date shall be created and maintained; that file may be in an electronic format.

Chapter 6: Public Records Requests

Section 6.1: Form of Records Request

Any person requesting public records shall identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records requested. No specific language or form is required to make the request. If the records request is not sufficiently clear, the public records manager must contact the requestor for clarification, and should assist the requestor by providing information about the manner in which the office keeps its records.

Section 6.2: Identity of Requestor

The requestor is not required to put a public records request in writing and does not need to provide his/her identity or the intended use of the records requested. The public office may request this information, particularly to aid in complying with the request, but must clearly state that providing this information is voluntary.

Section 6.3: Availability of Records

Records shall be made available promptly for inspection or copying. Public records requests shall be given priority attention in any office receiving them, but reasonable time shall be allowed to comply with requests that are large, involve records stored other than at the site where the request was made, or involving records that must be inspected for possible redaction of information exempt from the public records law. Whenever a request is received that cannot be complied with immediately, the public office shall provide the requestor an estimate of how long it will take to satisfy the request.

Section 6.4: Denial of Request and Redaction of Records

Any denial of records requested must include a written explanation, including legal authority. If part of a record requested is exempt from public records law, that part shall be redacted, and the remainder provided. Each redaction shall be accompanied by a written explanation, including legal authority.

Chapter 7: Costs of Public Records

Section 7.1: Persons requesting copies of public records shall pay in advance for the copies requested at a cost that does not exceed the actual cost of making copies. Starting in calendar year 2011, the County Council shall biannually determine and establish the copying costs for public records.

Section 7.2: Until the County Council first determines and establishes copying costs for public records, the copying costs shall be as follows:

(A) The charge for paper copies shall be three cents (\$.03) per page. The charge shall be waived when less than one dollar (\$1.00).

(B) The charge for computer files downloaded to a compact disc shall be the actual cost, not to exceed \$1.26 per disc. The charge shall be waived when only one (1) disc is required to fulfill the request.

(C) There shall be no charge for copies provided by email.

Chapter 8: Public Records Training

All elected public officials and public records managers shall attend training on public records policy approved by the Ohio Attorney General, as provided for in Section 109.43 of the Ohio Revised Code. Each public office shall encourage other appropriate persons to receive public records training.

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.

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

ORDINANCE NO. O2011-0013

SPONSORED BY: Miller and Greenspan

An Ordinance providing for the adoption of an Open Meetings Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

WHEREAS, a governmental 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; and

WHEREAS, it will serve the purpose of open government for Cuyahoga County's policies regarding open, public meetings to be clearly and specifically stated;

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

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

PUBLIC MEETINGS POLICY OF CUYAHOGA COUNTY, OHIO

Chapter 1: Rationale

Conducting deliberations and decision making on official business only in open, public meetings will strengthen our democracy and lead to government that is more efficient, effective, and creative in improving social and economic conditions in Cuyahoga County. Our county is also committed to meeting the requirements of state public meetings law, both in law and in spirit. Ohio Revised Code Section 121.22 and Cuyahoga County Charter Article 12, Section 5 alone would provide sufficient legal basis for our public meetings policy. However, an explicit statement of our philosophy and expectations will shape the best possible public meetings process.

Chapter 2: Principles

The following are stated as guiding principles for conducting open, public meetings in Cuyahoga County government:

Section 2.1. Minimum Standard

The provisions of this ordinance should be considered the minimum standard for the conduct of open, public meetings in Cuyahoga County. Our goal shall be to insure that all official action in Cuyahoga

County is done through decisions openly arrived at in public meetings at which the public has timely and sufficient access to information that enables effective participation. Our intent is that public officials in Cuyahoga County go beyond the specific requirements of this ordinance, as needed, to insure that the goal is met.

Section 2.2: Requirements for an Effective Public Meetings Process

The basic requirements for an effective public meetings process are (1) that all official decisions are made at public meetings, (2) that all deliberations upon official decisions are conducted at public meetings, (3) timely public notice is given of the date, time, location and agenda for all meetings at which official action will be considered, and (4) the public is given ample opportunity to comment on issues being considered before decisions are made and is provided access to information needed to provide effective input.

Section 2.3: Access to Information

The necessity of providing sufficient information for effective public participation means not only that public records should be readily accessible but that officials conducting public meetings should provide guidance to the public regarding upcoming issues and decisions that need to be made and supporting background information.

Section 2.4: Deliberations

Ohio Revised Code Section 121.22(A) states that "This section shall be liberally construed to require public officials to take official action and to conduct all deliberations upon official business only in open meetings unless the subject matter is specifically excepted by law." This provision, which includes all deliberations rather than just final decisions is difficult to fully specify in law but should be considered a major guiding principle concerning public meetings. It clearly requires that deliberations upon official business not occur at private meetings, even if a quorum of the Council or of a particular committee is not present. However, there is also a proper place in government for research, consultation, identification of alternatives, personal reflection, and informal discussion outside of public meetings.

Chapter 3: Definitions

Section 3.1: "Committee" shall include subcommittees.

Section 3.2: "Deliberations" are defined as the process of choosing among alternatives for official action by any public office in Cuyahoga County government.

Section 3.3: "Elected public official" means any person, whether originally elected or appointed, who holds a public office that is publicly elected and which meets the definition of "public office" provided in this section.

Section 3.4: Executive Session means a meeting of any public body that is not open to the public.

Section 3.5: "Public body" includes the County Council, any of the County Council's committees or subcommittees, and any decision-making board, commission, advisory council, or other entity authorized to take official action on behalf of any public office.

Section 3.6: "Public meeting" means any prearranged discussion of official business relating to Cuyahoga County government which is open to the public and for which the public notice and other requirements of this ordinance and Section 121.22 of the Ohio Revised Code have been met.

Section 3.7: "Public office" includes the following:

- (A) the office of the County Executive
- (B) the Cuyahoga County Council, including all of its committees
- (C) all departments, divisions, offices, or other organized body operating under the administration of the County Executive,
- (D) the Cuyahoga County Prosecuting Attorney
- (E) all Boards, Commissions, and Advisory Councils whose membership is wholly comprised of members appointed by the County Executive and/or the County Council
- (F) all Boards, Commissions, Advisory Councils and any similar body created by the Cuyahoga County Charter, the County Council, and/or the County Executive.

Section 3.8: "Public official" means any person who is employed by, is a volunteer for, or serves in any appointed or elected capacity for any public office, as that term is defined in Subsection 3.6.

Chapter 4: State Law to Control

As provided in Article 12, Section 5 of the Cuyahoga County Charter, all provisions of Ohio Revised Code Section 121.22 and all other provision of general law related to open, public meetings shall apply to the conduct of Cuyahoga County government. All provisions of this ordinance shall be construed only in ways that are consistent with general law.

Chapter 5: Open Meetings

Section 5.1: Open Meetings Required

All meetings conducted by any public body at which official action is considered or deliberations upon official business takes place shall be open to the public.

Section 5.2: Executive Session

Notwithstanding Subsection 5.1, any public body may conduct an Executive Session, provided that all of the requirements of Ohio Revised Code Section 121.22, as amended, are met. An Executive Session may be conducted solely to discuss but not act upon any of the following matters and no other matters may be discussed or acted upon:

- A. Personnel matters related to the appointment, hiring, promotion, demotion, dismissal, discipline, or investigation of charges or complaints relating to any public employee.
- B. The purchase or sale of property, if premature disclosure would give unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest.
- C. Conferences with an attorney for the public office to discuss pending or imminent court action.
- D. Preparing for, conducting, or reviewing collective bargaining negotiations with public employees.
- E. Matters required to be kept confidential by federal law, federal regulations, or state law.
- F. Details relative to security arrangements and emergency response protocols for any public office, if disclosure could reasonably be expected to jeopardize the security of that public office.

Prior to conducting an Executive Session, the public body shall, at a public meeting of that body, adopt a motion to go into Executive Session, stating the specific matter(s) to be discussed and stating that no

other matters shall be discussed. The motion shall be approved by a majority of members present, by roll call vote, with a quorum being present. The agenda for the meeting at which an executive session is to be conducted shall state the intent to conduct an executive session and name the matter(s) to be discussed.

Minutes shall be kept at all Executive Sessions and shall be included within the meeting at which the Executive Session was conducted. The minutes of an Executive Session shall include the location of the meeting, the date and time that the meeting started and concluded, a list of members present, the names and titles of other persons present, and matters discussed.

Chapter 6: Notice Requirements

Section 6.1: Annual Schedule of County Council Meetings

Not later than November 30th of each calendar year, the County Council shall post on its website and make available to the public a list of the dates, times, and locations of regular County Council meetings for the following year.

Section 6.2: Publication of Regular Meeting Times for County Council Committees

The Clerk of Council shall maintain a list on the County's website and in a form available to the public at the Clerk's office of the regular dates, times, and locations for all committees and subcommittees of the Cuyahoga County Council that have established regular dates, times, and places.

Section 6.3: Publication of Notice and Agenda for County Council Meetings

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

Section 6.4: Publication of Notice and Agenda for County Council Committees

Prior to each meeting of any County Council committee or subcommittee, the Clerk of Council shall post the notice and agenda for the meeting in the Journal of Council, on the County's website, and at the Clerk's office. Except when an emergency committee meeting is held, such posting shall take place at least two (2) business days prior to the meeting. An emergency committee meeting may be conducted with less notice, provided that all of the notice requirements of Section 6.6 have been met.

Section 6.5: Publication of Notice and Agenda for Other Meetings

Prior to any meeting of any public body other than those covered by Sections 6.2 and 6.3 of this ordinance, the clerk or secretary of that public body shall post notice of the meeting and its agenda at its office and on the appropriate page of the county's website. If the meeting was not previously published on a list of regular meetings for that public body, notice of the meeting and the agenda shall also be distributed to all news media that have requested this information. Except when an emergency meeting is conducted, publication of the meeting notice and the agenda shall take place at least two (2) business days prior to the meeting. Public bodies may conduct an emergency meeting with less notice, provided that the notice requirements of Section 6.6 have been met.

Section 6.6 Publication of Notice and Agenda for Special and Emergency Meetings

The County Council, its committees, and other public bodies may conduct emergency or special meetings with less notice than that specified in Sections 6.3, 6.4, and 6.5 of this ordinance, those sections notwithstanding. Such meetings shall be publicized in the same way as other meetings of the same public body and the meeting notice and agenda shall also be sent to news media organizations who have requested this information. A meeting may be held with less than twenty-four (24) hours notice only when (A) there is an emergency that requires immediate official action, (B) the notice and agenda for the meeting state the nature of the emergency, and (C) matters related to the emergency are the only matters discussed at the meeting.

Section 6.7: Publication of Notice of Meetings Adjourned to Another Time and/or Place

The County Council, and of its committees, or any other public body may adjourn any meeting to another specific time and place. Public notice shall be given not later than the three (3) business days before the meeting of the adjourned meeting or as soon as practicable if such adjournment is for a time less than four (4) days. Notice of the adjourned session be posted on the public body's web-page and at its office and shall be distributed to new media that have requested this information.

Section 6.8: Minutes

Minutes shall be kept at all public meetings and Executive Sessions and maintained as public records. Minutes of all meetings shall be available to the public and posted on the appropriate page of the county's website within seven (7) days of the meeting. The minutes of all public meetings shall include the following:

- (A) the name of the organization conducting the meeting;
- (B) that location, date, and time that the meeting started and the time that the meeting adjourned;
- (C) a presentation of the events of the meeting that included all matters discussed and all actions taken, including amendments and procedural actions;
- (D) a summary of all votes taken, including a description of the question that was considered, the results of the vote, and the vote of each member.

The minutes of any Executive Session shall include those items required in Section 5.2 of this ordinance.

Section 6.9: Record of Votes

At every public meeting, the vote of every member on every question decided at that meeting shall be recorded and included in the minutes of that meeting.

Section 6.10: Advance Notice Concerning Meetings and Specific Topics

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

Section 6.11: Advance Notice Available to News Media

The clerk or secretary of any public body shall provide to any news organization, upon request, information including the date, time, location, and agenda of any special or emergency meeting of that public body or any meeting of that public body that has been adjourned to another time and place. The clerk or secretary shall establish a procedure, consistent with Section 121.22 of the Ohio Revised Code, for news media to apply to receive this information on an ongoing basis.

Chapter 7: Public Participation

Section 7.1: Public Comment

All public meetings shall include time for public comment prior to the time that decisions are made.

Section 7.2: Procedure for Public Comment

Any public body may establish rules to regulate its public comment process, including advance registration 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 7.3. 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 7.4. Wireless Communication Devices

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

Section 7.5. 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 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.

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

ORDINANCE NO. O2011-0014

SPONSORED BY: Miller and Jones

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

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

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

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

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

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

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

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

WHEREAS, Ordinance No. 2011-0002 was adopted as a temporary measure, and it will expire on April 10, 2011, and

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

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

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

Chapter 1: Establishment the Board of Control

Section 1.1: There is, hereby, created the Cuyahoga County Board of Control, consisting of seven (7) members identified as follows:

(A) The Cuyahoga County Executive

(B) The Fiscal Officer

(C) The Director of Public Works

(D) The Director of Purchasing

(E) One additional person, appointed by the County Executive, not subject to confirmation by County Council, who shall serve at the pleasure of the County Executive, and who shall be an employee of Cuyahoga County holding significant responsibilities in finance, contracting, and or procurement.

(F) Two members of Cuyahoga County Council, appointed by the President of Council, immediately following each Organizational Meeting of Cuyahoga County Council, who shall serve until their successors are appointed.

Section 1.2: Whenever the one position on the Board of Control appointed by the County Executive becomes vacant, the County Executive shall appoint a new member in the same manner as the original appointment.

Section 1.3: Whenever either of the two (2) 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 1.4: For each of the five (5) administration 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 is 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 1.5: 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. For each of the two (2) members of the Board of Control who are members of County Council, the President of Council shall at the same time designate an alternate, who shall attend meetings of the Board of Control whenever that member is unable to do so, and

Section 1.6: Whenever an administrative member of the Board of Control and that member's alternate are both not able to attend a meeting of the Board of Control, the County Executive may appoint a replacement for that meeting for an administrative member and the President of County Council may appoint a replacement for that meeting for a County Council member.

Section 1.7: 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.

Section 1.8: The County Executive shall designate one staff person, who shall be the Clerk of the Board of Control, who shall publish agendas and meeting notices and record and publish minutes.

Section 1.9: The Board of Control shall meet weekly, at a regular time determined by the Board of Control.

Section 1.10: 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 1.11: The Clerk of the Board of Control shall publish the notice and agenda for each meeting on the county's website and post them at its office no later two business days prior to 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.

Section 1.12: The Board of Control may conduct a special meeting at a time other than its regularly scheduled time. In the event of an emergency, the Board of Control may conduct a meeting with less notice than that required by Section 1.11 of this ordinance. For any special or emergency meeting, in addition to the notice requirements of Section 1.11, the Board of Control shall also send notice to all new 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 1.12: The Clerk of the Board of Control shall prepare and publish the minutes of each meeting of the Board of Control on the county's website not later than one week after each meeting.

Section 1.13: Notwithstanding the requirement in Section 1.10 for open meetings, the Board of Control may go into Executive Session, only to discuss one or more of the topics permitted to be discussed in Executive Session according to Section 121.22 of the Ohio Revised Code. The published agenda for any meeting at which the Board of Control goes into Executive Session must include notice of the intent to go into Executive Session and a description of the topic(s) 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 1.14: 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 1.15: The Board of Control shall be subject to all state laws and county ordinances concerning public meetings and public records.

Section 1.16: The Clerk of the Board of Control, in consultation with the Fiscal Officer, the Director of Public Works, and the Director of Purchasing, shall set a deadline for the submission of items for the agenda by county departments for each meeting.

Section 1.17: The Board may, by 2/3 vote of members present, with a quorum being present, allow consideration of items not on the agenda or items submitted after the deadline for submission of items established by the Clerk of the Board of Control.

Chapter 2: Approvals Required for Contracts, Purchase and Sales, Leases, Grants, and Loans

Section 2.1: For the purposes of this section, the value of any contract, purchase, sale, grant, or loan shall be the total amount obligated, received or contract for, even if over multiple years, but shall not include any optional extensions.

Section 2.2: For the purposes of this section, the monthly rent shall be the highest monthly rent that is contracted for during any part of a lease.

Section 2.3: Except as provided for in Sections 2.4 (C), (D), (J) and (L) and Sections 2.5 (F) and (G) , approvals shall be require to enter into a contract or lease or to make a purchase, sale, grant, or loans and not at other stages of the process of completing these transactions.

Section 2.4: The following transactions shall require approval by the County Council:

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

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

(C) Any contract which requires than an allocation be made from a special purpose county revenue funds, such as the \$5.00 license plate fund. The requests to make an allocation from the special revenue fund and to enter into the contract may be done as a single resolution;

(D) All contracts, purchases, sales, leases, grants, or loans, or other transactions for which approval of the legislative authority is required by general law.

(E) All contracts, purchases, loans, leases or other transactions with create an obligation for which funding has not been previously appropriated in an annual county budget;

(F) All sales of real property for more than \$100,000 and all leases of real estate as lessor in which the total value of the transaction is more than \$50,000 or the monthly rent is more than \$10,000;

(G) All purchases of real estate for more than \$25,000 and all leases of real estate as lessee in which the total value of the transaction exceeds \$10,000, the monthly rent exceeds \$2,000, or the length of the lease exceeds two years;

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

(I) All transfers of cash or appropriation authority between accounts within the county budget for more than \$50,000 and all appropriation changes that result in an increase or decrease in authorized appropriations;

(J) Any change order to a contract that does either of the following:

(1) increases the cost of the contract by more than \$50,000;

(2) increases the cost of the contract by five percent (5%) or more, provided that the increase is more than \$2500;

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

(L) Any other specific contract, purchase, sale, lease, grant, or loan or any procedure within the process of completing any such contract, purchase, sale, lease, grant or loan for which the County Council, by Motion of Council, requires approval of the County Council.

Section 2.5: The following transactions shall require approval by the Board of Control

(A) All contracts, purchases, grants provided by the county, or loans provided by the county for more than \$50,000 but not more than \$500,000;

(B) Sales of real property for more than \$10,000 but not more than \$100,000;

(C) Leases of real estate as lessor in which any of the following apply:

(1) the total value of the transaction is more than \$10,000 but not more than \$50,000

(2) the monthly rent is more than \$1,000 but not more than \$10,000

(3) the term of the lease is for more than two years and the lease does not require approval by County Council;

(D) All purchases of real estate and all leases as lessee that do not require approval by County Council ;

(E) Transfers of cash or appropriation authority between accounts with the county budget for not more than \$50,000;

(F) Any change order that does not need to be approved by County Council and does either of the following:

(1) increases the cost of the contract by more than \$10,000 but not more than \$50,000;

(2) increases the cost of the contract by more than one percent (1%) and the amount of the increase is more than \$1,000;

(G) Any other specific contract, purchase, sale, lease, grant, or loan or any procedure within the process of completing any such contract, purchase, sale, lease, grant or loan for which the County Council, by Motion of Council, requires approval of the Board of Control.

Section 2.6: Any transaction requiring approval by the Board of Control by be approved by the County Council may be approved by the County Council in lieu of approval by the Board of Control.

Section 2.7: The County Executive may enter into 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 generally, provided for in this ordinance.

Section 2.8. In an emergency which threatens the life, health, or property in the county and in which official action is needed prior to when a meeting of the County Council or the Board of Control could take place, the County Executive may enter into contracts or leases or make purchases without obtaining the approvals required in this section. 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.

Chapter 3: General Requirements

Section 3.1: All purchases of goods and services shall be done by the Director of Purchasing, 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.

Section 3.2: All contracts, purchases, sales, leases, grants, or loans must be reviewed for legal correctness by the Department of Law, but that Department may give general approval for transactions that may be completed using standard forms.

Section 3.3: All contracts, purchases, sales, leases, grants, or loans must comply with all fiscal requirements provided in general law that are applicable to counties, including, but not limited to, all provisions of Section 5705.41 of the Ohio Revised Code.

Section 3.4: All contracts, purchases, sales, or leases shall be procured in accordance with competitive bidding and procurement requirements of general law applicable to counties, including but not limited to the bidding and procurement provisions of Chapter 307 and Section 153.65 of the Ohio Revised Code.

Section 3.5: 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.

The County Executive may amend any of the policies and procedures provided for in this section, and the amendments shall become part of this ordinance, provided that the County Executive shall provide the County Council a copy of any proposed changes, shall post the proposed changes on the county's website, and shall propose a date for the changes to become effective, which shall be at least thirty (30) days after the notification to County Council and the posting on the county's website takes place. The County Council may, by legislative action, reject or revise the proposed changes; otherwise, the changes shall become effective on the date proposed by the County Executive.

Section 3.6: Pending required approvals and procedures provided for in this ordinance, contracts and purchases shall be awarded to the lowest and best responsive and responsible bidder(s) or vendor(s) meeting the specifications that is most advantageous to Cuyahoga County. A bidder or vendor shall be considered responsive to the extent that the proposal submitted by that bidder or vendor meets all of the goals, objectives, and specifications of the bid, RFP, or RFQ. A bidder or vendor shall be considered responsible to the extent that the bidder or vendor:

(A) has the appropriate experience, reputation, employee relations, high quality and well trained workforce, and dependability to perform the required work; and

(B) provides workers a fair compensation and fair benefits, as evidenced by payroll and employee records, for the required work, based on market conditions.

In determining the most advantageous bid/RFP/RFQ, factors such as, but not limited to, the following shall be considered:

(A) adherence to all conditions and requirements of the bid, RFP, or RFQ specifications;

(B) price;

(C) quality of the product or service

(D) qualifications of the bidder or vendor, including past performance, general reputation, experience, quality and training of the employees who will perform the work;

(E) the bidder's or vendor's workplace safety, employee relations, and fairness of wages and benefits paid to workers;

(F) maintenance costs and warranty provisions; and

(G) delivery or completion date.

Section 3.7: No contract shall be entered unless all the provisions of state law and county ordinances related to ethics policy have been met.

Section 3.8: Any contract entered into in violation of Ohio Revised Code Section 2921.42(H) and/or related county ordinances concerning unlawful personal interest in a public contract shall be void and unenforceable.

Section 3.9: The Inspector General shall conduct investigations, make inquiries, and review records as needed to determine compliance by all contractors, public officials and employees with the provisions of this ordinance and state and county ethics laws relating to contracting and purchasing. The Inspector General shall promptly report the results of such investigations, inquiries, and records reviews to the County Executive and the County Council and shall provide information from these investigations, inquiries, and records reviews to the Director of Public Works, the Director of Purchasing, the Director of Law, the Prosecuting Attorney, and other appropriate officials, as needed, to insure compliance with this ordinance and state and county ethics laws relating to contracting and purchasing.

Chapter 4: Notification Requirements

Section 4.1: The County Executive shall develop, maintain, and post on the county's website a procurement database, which shall include two separate parts:

(A) all contracts, other than real estate transactions, regardless of dollar amount, and all purchases and sales, other than real estate transactions, for \$1000 or more;

(B) all 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, length of term, and other relevant factors.

Section 4.2: The County Executive shall develop, maintain, and post on the county's website a grants and loans database, which shall include two separate parts:

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

(B) all grants and loans provided, searchable by purpose, recipient, funding source, department, date provided, length of term, and other relevant factors.

Section 4.3: The County Executive shall develop, maintain, and post on the county's website a pending transactions database, which shall include three separate parts, listing all pending transactions of \$50,000 or more which have been initiated by formal 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
- (D) grants and loans to be provided.

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

Section 4.4: The County Executive shall develop, maintain and post on the county's website a special procurement events database, which shall include three parts, as follows:

- (A) Any time that the County Executive determines its intent to enter into a contract for more than \$25,000 without competitive bidding;
- (B) Any time that the County Executive initiates a process to contract for goods or services that the County did not contract for at the time the process was initiated;
- (C) Any time that the County Executive initiates a process to contract for the services of experts or consultants as provided for in Article 3, Section 9, Subsection 3 of the Charter.

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

Section 4.5: The databases provided for in Sections 4.1, 4.2, and 4.3 of this ordinance shall in operation and posted on the county's website no later than June 30, 2011. The database provided for in Section 4.4 of this ordinance shall begin operation and be posted as soon as this ordinance becomes effective.

Section 4.6: On or about the 5th calendar day prior to each regular meeting of County Council, the Executive shall provide the County Council a list of all contracts, purchases or sales executed and all grants or loans made or received for more than \$50,000 since the previous list was provided. Provided that all other requirements of this ordinance have been met, this list does not need to be provided prior to the transactions being completed.

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 effective immediately upon the expiration of Ordinance No. 2011-0002, for this 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 that it received the affirmative vote of at least eight members of County Council, shall become effective on April 11, 2011; otherwise, it shall be in full force and effect from and immediately after the earliest time permitted by law.

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0069

Sponsored by: County Executive FitzGerald/Office of Budget & Management	A Resolution approving the appropriation of funds for the Year 2011 based on the Statement of Appropriation Status dated 12/31/2010, and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, pursuant to R.C. 5705.38, each year the County must appropriate funds for each of its non-trust and agency accounts; and,

WHEREAS, the County appropriates the full amount of a grant or capital project when it is first identified; and,

WHEREAS, the free balance (the unexpended and unencumbered appropriation) is then appropriated each following year until the grant or capital project is completed; and,

WHEREAS, encumbrances for capital projects, grant funds and all other funds must also be appropriated and these encumbrances represent payments in process or contracts in place at the end of the year that span more than one (1) calendar year; 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 department.

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

SECTION 1. The appropriation of funds for Year 2011 based on the Auditor's Statement of Appropriation Status dated December 31, 2010: a) free balances for grants and capital projects, b) encumbrances for grants and capital projects and c) encumbrances for all other funds, are hereby approved.

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 elected to Council, this Resolution shall become immediately effective upon the signature of the County Executive.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the

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

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

Yeas:

Nays:

County Council President

Date

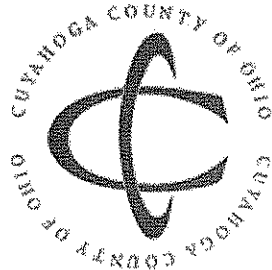
County Executive

Date

Clerk of Council

Date

Journal CC001
February 22, 2011



12/31/10
 12/31/10
 12/31/10

Item Details:

Agency/Dept. Name:	Office of Budget and Management	Agency/Dept. Head Name:	Matt Rubino
Type of Request:	Other		
Request Prepared by:	Matt Rubino	Telephone No.	443-7448

SUMMARY OF REQUESTED ACTION:

Office of Budget & Management, recommending the appropriation of funds for the Year 2011 based on the Auditor's Statement of Appropriation Status dated 12/31/10:

- a) free balances for grants and capital projects.
- b) encumbrances for grants and capital projects.
- c) encumbrances for all other funds.

Each year the County must appropriate funds for each of its non-trust and agency accounts per ORC 5705.38. The County appropriates the full amount of a grant or capital project when it is first identified. The free balance (the unexpended and unencumbered appropriation) is then appropriated each following year until the grant or capital project is completed. Encumbrances for capital projects, grant funds and all other funds must also be appropriated. These encumbrances represent payments in process or contracts in place at the end of the year that span more than one calendar year. Report 11 is attached.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source:	Explanation:
Total Amount Requested:	
\$	

ATTACHMENTS:

Click to download

[Auditor_Report_11](#)

History

Time

Who

Clerk of the Board

Approval



Preencumbrances and Encumbrances from 2010 to 2011.

Report 11 year end 2010

Report 11

Free Balances

Carryforward

<u>CONTROL TYPE</u>	<u>PREENCUMBRANCES</u>	<u>ENCUMBRANCES</u>	<u>TOTAL</u>	
01	30,345,305.47	17,463,029.03	47,808,334.50	
02	25,669,182.06	51,771,171.92	77,440,353.98	
03	6,779,814.27	72,545,667.51	79,325,481.78	
				204,574,170.26
08		29,544,731.38	29,544,731.38	22,236,840.67
09		6,544,476.17	6,544,476.17	21,595,256.31
10		5,980,540.95	5,980,540.95	24,702,889.99
11		23,150.00	23,150.00	1,351,215.70
12		20,224,028.45	20,224,028.45	115,544,883.49
16		12,867,271.00	12,867,271.00	53,572,783.06
17		10,969,431.63	10,969,431.63	33,337,535.04
18		10,830,858.48	10,830,858.48	7,779,385.92
20		6,532,409.62	6,532,409.62	13,911,089.09
TOTAL	62,794,301.80	245,296,766.14	308,091,067.94	Total free balances
				<u>294,031,879.27</u>

TOTAL PRENCUM & ENCUM FOR GRANTS & PROJECTS	103,516,897.68
TOTAL PRENCUMBRANCES & ENCUMBRANCES	<u>308,091,067.94</u>

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0070

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

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

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

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

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

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

<u>Fund Nos.</u>	<u>Budget Accounts</u>	<u>Journal Nos.</u>
A.	20A625 Solid Waste District Admin	BA1100244
	SM522466 Solid Waste District Admin	
	Other Expenses	\$ (380,789.00)

Funding Source: Revenue generated from disposal fees.

B1.	20A815 Solid Waste Convenience Center		BA1100245
	SM522573 Solid Waste Convenience Center		
	Other Expenses	\$	299,791.00
	Capital Outlay	\$	65,998.00

B2.	20A816 Solid Waste Plan Update		
	SM522581 Solid Waste Plan Update 2012		
	Other Expenses	\$	5,000.00

B3.	20A817 Solid Waste Municipal Grants		
	SM522599 - Solid Waste Municipal Grants		
	Other Expenses	\$	10,000.00

Funding Source: Revenue generated from disposal fees.

C.	01A001 General Fund		BA1100251
	SH350579 – Sheriff Operations		
	Personal Services	\$	(380,278.00)

Funding Source: General Fund

D.	61A608 Central Security Services – Sheriff		BA1100253
	SH352039 – Court Security Monitors		
	Personal Services	\$	380,278.00

Funding Source: Charged back to user agencies

E.	01A001 General Fund		BA1100196
	JS200048 – Justice Systems Management		
	Other Expenses	\$	55,985.00

Funding Source: General Fund

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

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

A.	FROM:	01A001 – General Fund	BA1100231
		DR495515-Bureau of Support (Domestic Relations CRT)	
		Other Expenses	\$ 43,054.00

	TO:	01A001 – General Fund	
		DR391052-Domestic Relation Court (general account)	
		Other Expenses	\$ 43,054.00

Funding Source: General Fund

B.	FROM:	01A001 – General Fund	BA1100238
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		DR391052-Domestic Relations Court (general account)		
		Capital Outlays	\$	10,000.00
	TO:	01A001 – General Fund		
		DR495515-Bureau of Support (Domestic Relations Crt)		
		Capital Outlays	\$	10,000.00
		Funding Source: General Fund		
C.	FROM:	01A001 – General Fund		BA1100239
		JA302224-Public Safety Grants Administration (Justice Affairs)		
		Other Expenses	\$	636.00
	TO:	01A001 – General Fund		
		JA302224-Public Safety Grants Administration (Justice Affairs)		
		Capital Outlays	\$	636.00
		Funding Source: General Fund		
D.	FROM:	01A001 – General Fund		BA1100250
		SH350579 – Sheriff Operations		
		Personal Services	\$	1,394,291.00
	TO:	01A001 – General Fund		
		SH350272 – Law Enforcement		
		Personal Services	\$	1,394,291.00
		Funding Source: General Fund		

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

None Submitted.

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

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

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

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

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

Journal CC001
February 22, 2011

February 15, 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 February 22, 2011. The summary of these transactions is as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Additional Appropriations	\$ (324,293.00)	\$ 380,278.00	\$ 55,985.00
Appropriation Transfers	\$ 1,447,981.00	\$ 0.00	\$ 1,447,981.00
Cash Transfers	\$ 0.00	\$ 0.00	\$ 0.00

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

TOTAL CHANGE IN

ORIGINAL APPROPRIATION:

	<u>02/22 Agenda</u>	<u>Year to Date</u>	<u>Adjusted Annual Appropriation</u>
General Fund	\$ (324,293.00)	\$ 409,008.12	\$ 305,341,160.12
Other Fund	\$ 380,278.00	\$ 13,702,667.68	\$ 1,423,092,396.68
Total	\$ 55,985.00	\$ 14,111,675.80	\$ 1,728,433,556.80

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

Additional Appropriation Summary

<u>ITEM</u>	<u>General Fund</u>	<u>Other Funds</u>
Solid Waste District - A decrease in Administration division (\$380,789) and increases to the Convenience Center (\$365,789); the Solid Waste Plan Update (\$5,000), and the Municipal Grants (\$10,000) divisions.	\$0.00	\$0.00
Sheriff - A decrease to the Operations division and an increase to the Court Security Monitors to cover the hire of seven new Monitors for the new Juvenile Justice Complex. (\$380,270)	-\$380,278.00	\$380,278.00
Justice Systems Management - To cover the In Jail project.	\$55,985.00	\$0.00
TOTAL	(\$324,293.00)	\$380,278.00

Appropriation Transfer Summary

<u>ITEM</u>	<u>General Fund</u>	<u>Other Funds</u>
Domestic Relations - Realignment of appropriation to cover custody mediation and case management software contracts.	\$43,054.00	\$0.00
Domestic Relations - To cover the purchase of computer equipment.	\$10,000.00	\$0.00
Justice Affairs - To cover the purchase of software and scanner for the Public Safety Grants Administration division.	\$636.00	\$0.00
Sheriff - To realign appropriations to cover the hire of new deputies for the Juvenile Justice Complex.	\$1,394,291.00	\$0.00
TOTAL	\$1,447,981.00	\$ 0.00

If you have any questions, feel free to contact me.


Thank you for your consideration regarding this matter.

Sincerely,



Matthew Rubino
Office of Budget & Management

MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council
FROM: Matthew Rubino, Office of Budget & Management 
DATE: February 15, 2011
RE: Agenda Items

The Office of Budget & Management requests that the following 2011 fiscal items be presented to the members of County Council for their consideration at the meeting of February 22, 2011. The fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs

Resolution: Additional Appropriations

A 20A625- Solid Waste District Admin **BA1100244**
 SM522466- Solid Waste District Admin
 Other Expenses \$ (380,789.00)

Appropriation decrease is requested to cover projected charges in various other subfunds within The Solid Waste Districts' budget accounts throughout the year. This is a realignment and does not decrease the agencies total appropriated budget. 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 disposal fees generated in the County Solid Waste.

B. 20A815 Solid Waste Convenience Center **BA1100245**
 SM522573 - Solid Waste Convenience Center
 Other Expenses \$ 299,791.00
 Capital Outlay \$ 65,998.00

 20A816 Solid Waste Plan Update
 SM522581 - Solid Waste Plan Update 2012
 Other Expenses \$ 5,000.00

 20A817 Solid Waste Municipal Grants
 SM522599 - Solid Waste Municipal Grants
 Other Expenses \$ 10,000.00

Appropriation increase is requested to cover projected charges in various other subfunds within The Solid Waste Districts' budget accounts throughout the year. This is a realignment therefore does not increase the agencies total appropriated budget. 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 disposal fees generated in the County Solid Waste.

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

C.	01A001	General Fund SH350579 – Sheriff Operations Personal Services	\$ (380,278 00)	BA1100251
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Request to decrease appropriation to the Sheriff's General Fund budget. This allocation was included in the 2011 budget to support the hire of seven new Court Security Monitors to secure the new Juvenile Justice Complex. Effective January 2011, the Security Monitors were transferred from the Sheriff's General Fund budget to the Security fund, which also includes the cost of Protective Services staff. Expenses in this fund are charged back to applicable agencies and as the Security Monitors provide services to every agency within the Justice Center, their charge should be charged back to those agencies to reflect the total cost of their operations. This transfer also reduces the total cost – albeit slightly – to the General Fund. Projections based on the third pay period reflect the surplus in Operations and a deficit in the Sheriff's Security fund

D.	61A608	Central Security Services – Sheriff SH352039 – Court Security Monitors Personal Services	\$ 380,278.00	BA1100253
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Request to increase appropriation to the Sheriff's Security budget. The Sheriff was approved to hire seven new Court Security Monitors in 2011 to secure the new Juvenile Justice Center. This allocation was included in the Sheriff's General Fund budget, which is where the existing Monitors are being charged. Effective January 2011, the Security Monitors were transferred from the Sheriff's General Fund budget to the Security fund, which also includes the cost of Protective Services staff. Expenses in this fund are charged back to applicable agencies and as the Security Monitors provide services to every agency within the Justice Center, their charge should be charged back to those agencies to reflect the total cost of their operations. This transfer also reduces the total cost – albeit slightly – to the General Fund. Projections based on the third pay period reflect the surplus in Operations and a deficit in the Sheriff's Security fund. The Sheriff's General Fund budget has been reduced by the same amount.

E.	01A001	General Fund JS200048 – Justice Systems Management Other Expenses	\$ 55,985.00	BA1100196
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To provide additional appropriations in the Justice System Management account in support for the In-Jail project that is part of the County's Justice Reform effort. A total of \$295,598.12 was committed to the In-Jail project from the Board of County Commissioners (General Fund, discretionary funds and a Justice Assistance Grant), the Sheriff Office (General Fund). These funds were returned to the General Fund rather than encumbered toward the project at the end of 2009. The original funding was from contribution in 2009 from the Sheriff, Prosecutor, General Fund (Commissioners) and Information Services. It is projected that these funds will be needed for the project this year (2011). Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011.

Resolutions: Appropriation Transfers

A. FROM: 01A001 – General Fund **BA1100231**
DR495515-Bureau of Support (Domestic Relations Court)
Other Expenses \$ 43,054.00

TO: 01A001 – General Fund
DR391052-Domestic Relation Court (general account)
Other Expenses \$ 43,054.00

The transfer is to correctly align contractual expenses between the two divisions of Domestic Relations Court for both the custody mediation and case management software contracts. Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011.

B. FROM: 01A001 – General Fund **BA1100238**
DR391052-Domestic Relations Court (general account)
Capital Outlays \$ 10,000.00

TO: 01A001 – General Fund
DR495515-Bureau of Support (Domestic Relations Court)
Capital Outlays \$ 10,000.00

The transfer is to correctly align capital outlays between the two divisions of Domestic Relations Court for the purchase of computer equipment and to maximize Title IV-D reimbursement through the Child Support Enforcement contract. Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011.

C. FROM: 01A001 – General Fund **BA1100239**
JA302224-Public Safety Grants Administration (Justice Affairs)
Other Expenses \$ 636.00

TO: 01A001 – General Fund
JA302224-Public Safety Grants Administration (Justice Affairs)
Capital Outlays \$ 636.00

The transfer is to provide sufficient appropriations in ADP Development for document IO1104784-04 to MNJ Technologies for WASP Software and Scanner. Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011.

D FROM: 01A001 – General Fund **BA1100250**
SH350579 – Sheriff Operations
Personal Services \$ 1,394,291.00

TO: 01A001 – General Fund
SH350272 – Law Enforcement
Personal Services \$ 1,394,291.00

Request to transfer appropriation within the Sheriff's General Fund budget to support the hire additional deputies to cover the new Juvenile Justice Complex. Effective January 2011, the Sheriff's Office is operating with a new financial structure, which divides the Office into four primary divisions: Law Enforcement, Jail, Operations, and Security. The budget reallocation was based on actual payroll data and as the new staff had not yet been hired, the additional funding was not included in that initial transfer of appropriation. Projections based on the third pay period reflect the surplus in Operations and the need for appropriation in Law Enforcement.

Resolutions: Cash Transfers

NONE SUBMITTED

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County Council of Cuyahoga County, Ohio

Resolution No. R2011-0071

Sponsored by: County Executive FitzGerald/Department of Health & Human Services	A Resolution authorizing the County Executive to enter into an agreement with Ohio Department of Health in the amount not-to-exceed \$395,000.00 for the State AIDS Drug Assistance Program for the Ryan White HIV/AIDS Treatment Extension Act Part A for the period 1/1/2011 - 2/28/2011, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Health and Human Services has submitted an agreement in the amount of \$395,000.00 with the Ohio Department of Health for the State AIDS Drug Assistance Program for the Ryan White HIV/AIDS Treatment Extension Act of 2009, Part A Program for the period January 1, 2011 through February 28, 2011; and,

WHEREAS, the purpose of the agreement is to reimburse the provider for AIDS Drug Assistance Program services for persons living with HIV/AIDS in the federally designated six-county service area; and,

WHEREAS, funds for this service are available due to decreases in contract amendments or other Ryan White providers based on estimated utilization patterns through the end of the grant year (February, 28, 2011); and,

WHEREAS, the Planning Council reviewed the estimated expenditures and approved reallocation of funds to this service during their January 19, 2011 meeting; and,

WHEREAS, the Ohio Department of Health will provide detailed data to verify funds were spent on consumers in the six-county TGA; 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 County departments.

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

SECTION 1. The County Executive is authorized to enter into an agreement with the Ohio Department of Health in the amount not-to-exceed \$395,000.00 for the

State AIDS Drug Assistance Program for the Ryan White HIV/AIDS Treatment Extension Act Part A for the period January 1, 2011 through February 28, 2011.

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 elected to Council, this Resolution shall become immediately effective upon the signature of the County Executive.

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

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

Yeas:

Nays:

County Council President

Date

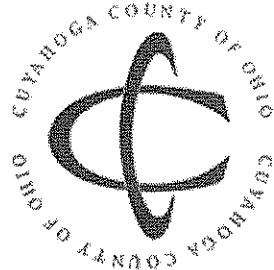
County Executive

Date

Clerk of Council

Date

Journal CC001
February 22, 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:			
<p>Administrator's Office/Health & Human Services submitting an agreement in the amount of \$395,000.00 with the Ohio Department of Health for the State AIDS Drug Assistance Program for the Ryan White HIV/AIDS Treatment Extension Act of 2009, Part A Program for the period January 1, 2011 - February 28, 2011.</p>			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
<p>To reimburse provider for AIDS Drug Assistance Program services for persons living with HIV/AIDS in the federally designated six-county service area. Funds for this service are available due to decreases in contract amendments of other Ryan White providers based on estimated utilization patterns through the end of the grant year (2/28/11). The Planning Council reviewed the estimated expenditures and approved a reallocation of funds to this service during their 1/19/2011 meeting.</p>			
<p>Ohio Department of Health will provide detailed data to verify funds were spent on consumers in the six-county TGA.</p>			
<p>Karen F. Hughs / Acting Director</p>			
Explanation for late submittal:			
<p>Approval for fund reallocation not approved by Planning Council until 1/19/2011 meeting.</p>			

Contract/Agreement Information:

Procurement Method:	Exempt from Competitive Bid Requirements
----------------------------	--

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

Financial Information:

Funding source: **Explanation:**
Federal HRSA

Total Amount Requested:
\$395,000.00

ATTACHMENTS:

Click to download

- Auditor's Findings
- ODH Agreement
- Yellowback
- Voucher

History

Time	Who	Approval
2/17/2011 1:56 PM	Clerk of the Board	Yes
2/17/2011 3:43 PM	County Auditor	Yes
2/18/2011 2:48 PM	County Prosecutor Civil	Yes
2/18/2011 3:26 PM	Clerk of the Board	Yes
	Clerk of the Board	

County Council of Cuyahoga County, Ohio

Resolution No. R2011-0067

Sponsored by: County Executive FitzGerald/ Department of Development	A Resolution authorizing an Advanced Energy Forgivable Loan in the amount not-to-exceed \$350,000.00 to the Lincoln Electric Company for a Wind Turbine Project, located at 22801 Saint Clair Avenue, Euclid; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Development has recommended an Advanced Energy Forgivable loan to the Lincoln Electric Company in the amount not-to-exceed \$350,000 for the purchase of a 2.5 megawatt wind turbine machine, located at 22801 Saint Clair Avenue, Euclid, Ohio; and,

WHEREAS, the Lincoln Electric wind turbine project is an opportunity to install clean, renewable energy technology and to promote economic development; and,

WHEREAS, the benefits of the Lincoln Electric wind turbine project include cleaner air, reduced energy expenses, increased business development opportunities, and the potential of new jobs; and,

WHEREAS, members of the Great Lakes Energy Development Task Force reviewed the loan on October 25, 2010, and recommended that the loan be granted and there is an active Workforce Cooperation Agreement with Lincoln Electric; and,

WHEREAS, Section 7.01 of the Charter, County Economic Development, declares that the County shall have as a primary responsibility the promotion and enhancement of the economic well-being and prosperity of the County and all of its residents; and,

WHEREAS, the proposed loan would be at a fixed rate of four percent (4.00%) for a four (4) year term and up to 100% of the loan amount will be forgiven provided that Lincoln Electric demonstrates: (1) improved business development opportunities for Lincoln Electric and job retention, (2) use of Cuyahoga County based local content for the project equal to the loan amount, and (3) that the project assists Cuyahoga County in attracting wind business and developing a wind energy industry, and (4) improved air quality; and,

WHEREAS, the overall cost of the project is expected to be \$5.9 million with the State of Ohio committing a \$1.125 million grant through the American Recovery and Reinvestment Act's State Energy Program and Lincoln Electric providing \$4,439,000.00 of its own funds to the project; 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 department.

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

SECTION 1. That Council hereby authorizes an Advanced Energy Forgivable Loan in the amount not-to-exceed \$350,000.00 to the Lincoln Electric Company for a Wind Turbine Project, located at 22801 Saint Clair Avenue, Euclid, for the Department of Development and authorizes the County Executive and/or the Director of the Department of Development to execute all documents required in connection with said loan.

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 elected to Council, this Resolution shall become immediately effective upon the signature of the County Executive.

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

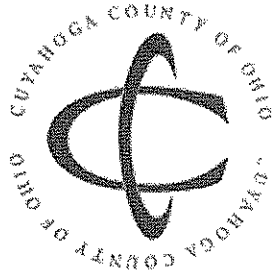
Clerk of Council

Date

First Reading/Referred to Committee: February 15, 2011

Committees Assigned: Economic Development & Planning and Environment & Sustainability

Journal CC001
February 22, 2011



Item Details:

Agency/Dept. Name:	Department Development	Agency/Dept. Head Name:	Dorothy Baunach
Type of Request:	Other		
Request Prepared by:	Gregory Zucca	Telephone No.	216-443-8067

SUMMARY OF REQUESTED ACTION:

Recommending an Advanced Energy Forgivable loan to The Lincoln Electric Company in the amount not-to-exceed \$350,000 for the purchase of a 2.5 megawatt wind turbine machine, located at 22801 Saint Clair Avenue in Euclid, Ohio; requesting authority for the County Executive or Director of Development to execute all documents required in connection with said loan.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The Lincoln Electric wind turbine project is an opportunity to install clean, renewable energy technology and promote economic development. The benefits of the Lincoln Electric wind turbine project includes cleaner air, reduced energy expenses, increased business development opportunities, and the potential of new jobs. The loan was previously approved by the County Commissioners on November 18, 2010.

Members of the Great Lakes Energy Development Task Force reviewed the loan on October 25, 2010 and recommended the loan be granted. The loan is for wind turbine equipment, therefore no SBE participation is required. There is an active Workforce Cooperation Agreement with Lincoln Electric from a previous project.

The Lincoln Electric wind turbine project embodies cutting-edge technologies that will help Lincoln Electric expand its wind tower welding business and reduce its carbon footprint. Lincoln has made a strong effort to develop a leading position in the emerging wind tower welding and fabrication market.

The Lincoln Electric turbine is projected to reduce the cost of local manufacturing operations. The energy savings makes maintaining manufacturing operations in Ohio cost competitive. Ultimately, the project will help to attract Kenersys, the turbine supplier, to

locate facilities in Cuyahoga County as the company begins to enter the US wind market.

The County is offering a \$350,000 forgivable loan at a fixed interest rate of four percent (4.00%) for a four (4) year term. Up to one hundred percent (100%) of the Loan Amount will be forgiven provided that Lincoln demonstrates:

1. Improved business development opportunities for Lincoln Electric and job retention.
2. Use of Cuyahoga County based local content for the project equal to the loan amount.
3. Assist Cuyahoga County in attracting wind business and developing a wind energy industry.
4. Improve air quality.

Principal Owner: John Stropki - President and Chief Executive Officer

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:

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

Financial Information:

Funding source:	Explanation:
General Fund	General Fund - Wind Energy

Total Amount Requested:
\$350,000

ATTACHMENTS:

Click to download

- [Signed Letter of Understanding](#)
- [Loan Terms and Conditions of Forgiveness](#)
- [Principal Owner](#)
- [County Commissioner Resolution](#)

History

Time

Who

Approval

Clerk of the Board



COMMISSIONERS
Jimmy Dimora
Timothy F. Hagan
Peter Lawson Jones

MEMORANDUM

DATE: October 20, 2010
TO: Great Lakes Energy Development Task Force Executive Committee
FROM: Gregory Zucca – 216-443-8067 or gzucca@cuyahogacounty.us
SUBJECT: The Lincoln Electric Company Wind Turbine Project
CC: Paul Oyaski

Cuyahoga County Department of Development is presenting a loan request from The Lincoln Electric Company to the Cuyahoga County Great Lakes Energy Development Task Force and is seeking the GLED Task Force's recommendation to the Cuyahoga County Board of County Commissioners. Please review and provide your vote before close of business Monday, October 25, 2010.

Applicant Business

The Lincoln Electric Company is an Ohio Corporation located at 22801 Saint Clair Avenue, Euclid, Ohio.

Company Summary

Founded in 1895, Lincoln Electric is the world leader in the design, development and manufacture of arc welding products, robotic welding systems, plasma and oxyfuel cutting equipment. Headquartered in Euclid, Lincoln has 39 manufacturing locations, including operations and joint ventures in 19 countries and a worldwide network of distributors and sales offices covering more than 160 countries. Lincoln has a global work force of more than 9,000, including more than 2,000 employed at the Euclid facilities.

Lincoln has a strong history in research and development and pioneering new technologies and equipment. Lincoln sustains its industry leading position with a dynamic and comprehensive research and product development program.

Arc welding is used by several industries including the transportation, industrial construction, structural metal fabrication, and petrochemical industries. Lincoln has also developed unique products and solutions for the alternative energy industry, including wind power. Lincoln has made a strong effort to develop a leading position in the emerging wind tower welding and fabrication market.

The Company is famous for its productive and highly-skilled work force, as well as its unique compensation system, Incentive Management. Incentive Management is widely studied in business schools and industrial management circles. The system compensates and encourages individual and team initiative and responsibility at all levels of employment within the U.S. subsidiary. Lincoln has never experienced a work stoppage in its 100-plus year history.

Request

Lincoln Electric is requesting a \$350,000 forgivable loan from Cuyahoga County for the purchase of a Kenersys Europe GmbH K100 2.5 Mega-Watt wind turbine to be installed at the company's facilities in Euclid.

The turbine will be erected on Lincoln property in Euclid, 1.7 miles south of the Lake Erie shore, where wind tests have indicated high effectiveness for electrical generation. The overall project is expected to cost \$5.9 million. The State of Ohio has committed a \$1.125 million grant through the American Recovery and Reinvestment Act's State Energy Program. Lincoln hopes to have the turbine operational by the summer of 2011.

The project will help Lincoln Electric grow its wind tower welding business

Lincoln intends to construct and fabricate the turbine with Lincoln Electric welding equipment, consumables and expertise, while train 4 employees on turbine operation and maintenance. The project will showcase Lincoln Electric products and solutions for wind tower fabrication. When completed, the turbine will act as a working lab for current and future customers on potential Lincoln Electric welding solutions. Lincoln will use the turbine to educate welding and manufacturing engineers, designers, and others associated with the wind tower business.

The project will help Lincoln Electric reduce rising energy costs

Power prices in Ohio have increased by 212% since the end of 2008, rising from \$.04/kWh to \$.085/kWh. The wind turbine's anticipated annual output of 6,400,000 kWh is projected to save the company \$500,000 annually; reducing the cost to Lincoln's local manufacturing operations. The energy savings makes maintaining manufacturing operations in Ohio cost competitive.

The project will help Lincoln Electric reduce greenhouse gas emissions

Based on First Energy's fuel mix of 59.9% coal to produce electricity, the turbine will eliminate about 8,000,000 pounds of CO₂ per year. The proposed turbine's output should also help in reducing the release of particulate matter and mercury emissions due to a reduction of coal use.

The project will help attract wind turbine manufacturing to Ohio

One of the potential outcomes of the project is attracting Kenersys, the turbine supplier, to locate facilities in Cuyahoga County. Kenersys has strong interest in entering the US market. This will be the first Kenersys turbine in the US. The Lincoln Electric wind turbine project will provide Kenersys the opportunity to test and certify the turbine. Once certified, Kenersys can aggressively market its product in the US. Ultimately, Kenersys envisions constructing an assembly facility and has expressed interest in locating in Cuyahoga County.

Financing

The County is offering a \$350,000 forgivable loan at a fixed interest rate of four percent (4.00%) for a four (4) year term. Up to one hundred percent (100%) of the Loan Amount will be forgiven in four (4) equal amounts over a four-year period beginning with the operation of the wind turbine and with the Lincoln demonstrating:

1. Improved business development opportunities evidenced by a.) training four (4) employees in wind turbine operation and maintenance within one year of project completion, b.) generating thirty (30) new wind energy related business development leads per year from annual wind manufacturing seminars c.) retaining sixty (60) jobs and maintaining the company's Incentive Management (retention) policy.

2. Use of Cuyahoga County based local content and/or labor for the project installation evidenced by components, materials, and/or services with a minimum value equal to the loan amount.
3. Assistance to Cuyahoga County in attracting wind business and developing a wind energy industry evidenced by a.) granting Kenersys access to the turbine for 360 hours per year for two (2) years for prototype testing b.) commitment to membership to the Great Lakes Energy Development Task Force for two (2) years.
4. Improved air quality evidenced by a reduction in the Borrower's carbon footprint. The wind turbine's electrical output will be calculated into equivalent pounds of CO2 avoided at an estimated rate of one and twenty-three hundredths pounds (1.23) of carbon eliminated per kilowatt hour of power produced by the turbine.

Debt Service

Lincoln Electric will make sixteen (16) quarterly interest only payments based on the outstanding principal balance. The remaining unpaid principal balance and any accrued interest will be due in the sixteenth quarter. Provided all the milestones are met, quarterly interest payments will be \$3,500 per quarter in the first year, \$2,625 per quarter in the second year, \$1,750 per quarter in the third year, and \$875 per quarter in the fourth year.

Sources and Uses

<u>Sources</u>			<u>Uses</u>		
Lincoln Electric	\$4,439,000	75%	Wind Turbine	\$4,864,000	82%
State of Ohio	\$1,125,000	19%	Electrical Distribution	\$650,000	11%
Cuyahoga County	\$350,000	6%	Legal	\$250,000	4%
			Environmental Assessment	\$150,000	3%
	\$5,914,000	100%		\$5,914,000	100%

Department Recommendation

Cuyahoga County Department of Development is presenting this loan request to the GLED Task Force Executive Committee and is seeking its recommendation to the Cuyahoga County Board of County Commissioners.

The Department of Development is recommending approval of the loan as presented. While this is a non-traditional request for the County, the project represents a significant opportunity to install clean, renewable energy technology and promote economic development within Cuyahoga County. The project will help Lincoln Electric highlight its wind tower welding capabilities, generate clean electricity, and encourage an emerging turbine manufacturer to locate in Greater Cleveland and create new jobs.

Cuyahoga County is committed to promoting wind and advanced energy to revitalize our economy, improve air quality and encourage sustainable economic development. The Lincoln Electric project is an opportunity to fulfill this commitment. Therefore, based on Lincoln Electric's strong industry position, State of Ohio funding support, and potential spin-off economic development opportunity, the Department of Development supports financial assistance to Lincoln Electric for the purpose of purchasing and installing a 2.5 MW wind turbine.

County Council of Cuyahoga County, Ohio

Ordinance No. O2011-0015

Sponsored by: County Executive FitzGerald/ Department of Human Resources	An Ordinance to expire on or before June 30, 2011 providing for the approval and adoption of Human Resources Policies & Procedures for Cuyahoga County.
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WHEREAS, Cuyahoga County Charter Section 9.01 provides that the County's Human Resources Policies and Systems for County employees shall be established by ordinance and shall be administered in such 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;

WHEREAS, the County Executive has determined it is necessary to adopt the Human Resources Policies & Procedures to ensure consistency in the administration of said Policies & Procedures for all County offices, employees and officers under the authority of the County Executive and the County Council;

WHEREAS, the County Executive will adopt permanent Human Resources Policies & Procedures on or before June 30, 2011;

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

Section 1: The Human Resources Policies & Procedures Manual adopted by the former governing body of Cuyahoga County and last revised in January, 2011 (attached thereto as Exhibit "A"), shall be applicable to all County offices, employees, and officers under the authority of the County Executive and the 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, for a period not to exceed June 30, 2011. The Human Resources Department has authority to modify the policies from time to time in accordance with operational needs of the County.

Section 2: Due to complexities associated with merging certain policies and procedures, the following sections in the HR Policies & Procedures Manual will not apply to certain agencies: *Section 6, Workweek and Hours/Payroll; Section 7.03, Employee Assistance Program; Section 8.04, FMLA Amount of Leave; Section 8.05, FMLA Coordination with Other Leaves of Absences; and Section 9, Employee Leave.* For the policies covered by these sections, employees will continue

to adhere to the policies and procedures that they were subject to on December 31, 2010.

Section 3: 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 action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

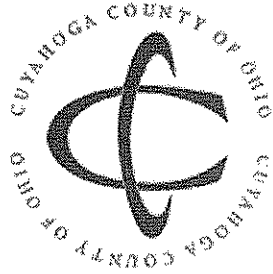
Nays:

County Council President Date

County Executive Date

Clerk of Council Date

Journal _____
_____, 2011



Item Details:

Agency/Dept. Name:	Office of Human Resources	Agency/Dept. Head Name:	Elise Hara
Type of Request:	Other		
Request Prepared by:	Lisa Durkin	Telephone No.	263-4656
SUMMARY OF REQUESTED ACTION:			
The County Executive, Office of Human Resources and Law Director are Submitting an Ordinance to allow the Office of Human Resources to distribute the HR Policies and Procedures, as most recently amended, to all County agencies to ensure that County government may operate in an orderly and efficient manner.			
PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):			
Explanation for late submittal:			

Contract/Agreement Information:

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

Financial Information:

Funding source:	Explanation:
Total Amount Requested:	
\$	

ATTACHMENTS:

Click to download

- [Ordinance on Policy Manual](#)
- [Comparison of 6th PPM and 5th PPM](#)

History