

**AGENDA**  
**CUYAHOGA COUNTY COUNCIL WORK SESSION**  
**TUESDAY, MARCH 8, 2011**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**4:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PRESENTATION REGARDING “CONSTRUCTION PROCUREMENT EFFICIENCIES FOR CUYAHOGA COUNTY” – JEFF APPELBAUM**
- 4. DISCUSSION ON INTERNAL AUDIT/STATE AUDIT REQUIREMENTS**
- 5. DISCUSSION ON 2012 REAPPRAISAL PROCESS**
- 6. DISCUSSION REGARDING MARCH 8<sup>TH</sup> COUNCIL MEETING AGENDA**
- 7. MISCELLANEOUS COMMITTEE REPORTS**
- 8. MISCELLANEOUS BUSINESS**
- 9. PUBLIC COMMENT**
- 10. ADJOURNMENT**

**AGENDA**  
**CUYAHOGA COUNTY COUNCIL REGULAR MEETING**  
**TUESDAY, MARCH 8, 2011**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> 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) March 1, 2011 Meeting
7. MESSAGES FROM THE COUNTY EXECUTIVE
8. CONSIDERATION OF MOTIONS OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES
  - a) **M2011-0011**: A Motion confirming the County Executive's appointment of Richard Werner upon his taking the oath of office as the Director of Health and Human Services of Cuyahoga County.  
  
Sponsor: Council President Connally
  - b) **M2011-0012**: A Motion confirming the County Executive's appointment of Bonita Teeuwen, Director of Public Works, to serve on the Cuyahoga County Solid Waste District Board of Trustees.  
  
Sponsor: Council President Connally
  - c) **M2011-0013**: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Human Resources Commission:
    - 1) Robert Wolff for the period of 3/8/2011 – 3/7/2017.
    - 2) Angela Simmons for the period 3/8/2011 – 3/7/2015.
    - 3) Kathleen Palmer for the period 3/8/2011 – 3/7/2013.

**Sponsor: Council President Connally**

- d) **M2011-0014: A Motion confirming the County Executive's appointment of Carol Dayton to serve on the Western Reserve Area Agency on Aging Board of Trustees.**

**Sponsor: Council President Connally**

- e) **M2011-0015: A Motion confirming the County Executive's appointment of Karen Butler to serve on the Cuyahoga Regional HIV Health Services Planning Council.**

**Sponsor: Council President Connally**

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

- a) **M2011-0016: A Motion confirming the County Executive's appointment of individuals to serve on the Greater Cleveland Regional Transit Authority Board of Trustees:**

- 1) Gary Norton (for the unexpired term ending 3/31/2012).
- 2) Karen Gabriel Moss (for the unexpired term ending 3/31/2013).

**Sponsor: Council President Connally**

**10. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING**

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

**Sponsors: Miller, Greenspan, Conwell, Jones and Rogers**

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

- a) **R2011-0085: A Resolution objecting to Senate Bill 5, which would sharply curtail collective bargaining rights of Ohio public employees.**

**Sponsor: Conwell, Rogers, Jones, Miller and County Executive FitzGerald**

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

- a) **O2011-0017**: An Ordinance establishing a *per diem* compensation rate for members of the Human Resources Commission as required by Section 9.01 of the Charter of Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

**Sponsor: Council President Connally**

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

- a) **R2011-0002**: A Resolution opposing House Bill 3 of the 129<sup>th</sup> Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after 1/1/2011, and declaring the necessity that this Resolution become immediately effective.

**Sponsors: Conwell, Miller and Germana**

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

- a) **O2011-0008**: An Ordinance adopting a permanent Code of Ethics.

**Sponsors: Greenspan, Miller and Conwell**

- b) **O2011-0012**: An Ordinance amending the Public Records Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective. (Pending referral from Committee.)

**Sponsors: Miller and Greenspan**

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

- a) **R2011-0086**: A Resolution approving plans for reconstruction of Ridge Road from Interstate 480 to Memphis Road in the City of Brooklyn; ordering that surveys, plans, profiles, cross-sections, right of way plans and plat for the project be filed in the Office of the Clerk of Council; setting the date and time of a public hearing, and declaring the necessity that this Resolution become immediately effective.

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



- b) **R2011-0087**: 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

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

- a) **R2011-0088**: A Resolution accepting the rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63.

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

- b) **R2011-0089**: A Resolution authorizing the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$2,009,091.22 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights.

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

- c) **R2011-0090**: A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$1,800,000.00 for rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the Village of Gates Mills; authorizing the Department of Purchasing to advertise for bids on RQ19651.

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

- d) **R2011-0091**: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works or her designee to execute said licenses.

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

- e) **R2011-0092**: A Resolution authorizing the County Executive to prepare and enter into an amendment (Subsidiary No. 1) to Contract No. CE1000111-01 with Suburban Maintenance & Construction, Inc. for replacement of Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds in the amount of \$82,720.99.

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

- f) **R2011-0093**: A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000568-01 with Perk Company, Inc. for scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83).

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

- g) **R2011-0094**: A Resolution approving an award on RQ18812 to Fabrizi Trucking & Paving Co., Inc. in the amount of \$6,696,970.75 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights; authorizing the County Executive to enter into a contract consistent with said award.

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

- h) **R2011-0095**: A Resolution approving an award on RQ18997 to Longo Sewer Construction, Inc. in the amount of \$378,993.00 for replacement of storm and sanitary sewers in Grannis Road and Thraves Road, located in the City of Garfield Heights, County Sewer District No. 9; authorizing the County Executive to enter into a contract consistent with said award.

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

- i) **R2011-0096:** A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 1) to Contract No. CE0900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

- j) **R2011-0097:** A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

- k) **R2011-0098:** A Resolution approving an award on RQ19354 to CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center Project; authorizing the County Executive to enter into a contract consistent with said award. (State Contract No. 7706600209/ORC 125.04(B)).

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

- l) **R2011-0099:** A Resolution approving a Rental Rehabilitation loan in the amount not-to-exceed \$150,000.00 to Cleveland Housing Network for the Independence Place Project, located at 4019 Prospect Avenue, Cleveland; 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

- m) **R2011-0100:** A Resolution approving an economic development loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161st Street, Brook Park; 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

- n) **R2011-0101**: A Resolution authorizing the issuance and sale of Self-supporting Housing Revenue Bonds in an amount not-to-exceed \$6,500,000.00 for Famicos Doan Classroom LLC for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a Loan Agreement, Bond Purchase Agreement, Trust Indenture and Tax Regulatory Agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development/Squire, Sanders & Dempsey

- o) **R2011-0102**: A Resolution authorizing Juvenile Court through the County Executive to enter into an agreement with Cuyahoga County Department of Justice Affairs, Office of Mediation in the amount not-to-exceed \$400,000.00 for the Juvenile Court Custody Mediation Project for the period 2/1/2011 - 1/31/2012.

Sponsor: Juvenile Court through County Executive FitzGerald

- p) **R2011-0103**: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE1000249-01 with Oriana House, Inc. for operation of a Neighborhood Reentry Resource Center for the period 2/1/2010 - 1/31/2011 to exercise an option to extend the time period to 1/31/2012, to change the scope of services and the terms, effective 2/1/2011, and for additional funds in the amount of \$287,000.00.

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

- q) **R2011-0104**: A Resolution authorizing the County Executive to enter into Title IV-D Cooperative Agreement contracts with various providers for child support services for the period 1/1/2011 - 12/31/2011:

- 1) Court of Common Pleas/Division of Domestic Relations in the amount of \$2,082,307.49.

- 2) Court of Common Pleas/Division of Juvenile Court in the amount of \$2,218,669.89.
- 3) Office of the Prosecuting Attorney of Cuyahoga County in the amount of \$2,257,588.70.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Child Support Enforcement Agency

- r) **R2011-0105**: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE0800734-02 with Educational Service Center of Cuyahoga County for the Help Me Grow component of the Invest in Children Program for the period 7/1/2008 - 6/30/2011 for additional funds in the amount not-to-exceed \$316,416.00.

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

#### **17. CONSIDERATION OF AN ORDINANCE FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

- a) **O2011-0018**: An Ordinance amending Section 7, Grants and Loans, of Ordinance No. O2011-0006 dated 1/11/2011, which amended Ordinance No. O2011-0002 dated 1/3/2011, providing certain procedures for the purchase of goods, supplies and interests in real estate and other contracts necessary for the continuation of the usual and daily operations of Cuyahoga County government to permit the County Executive and/or the Director of the Department of Development to make loans not-to-exceed \$200,000.00 for the purpose of implementing the Federal Neighborhood Stabilization Program 2 (NSPII); and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Council Executive FitzGerald/Department of Development

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

- a) **O2011-0019**: An Ordinance authorizing the creation of an Agency of Inspector General that shall be an independent agency dedicated to promoting honesty and integrity among the officers and employees of the County by detecting, investigating and deterring fraud, corruption, waste, mismanagement, abuse, misfeasance, malfeasance and nonfeasance in County government.

**Sponsor: County Executive FitzGerald**

**19. MISCELLANEOUS COMMITTEE REPORTS**

**20. MISCELLANEOUS BUSINESS**

**21. PUBLIC COMMENT UNRELATED TO AGENDA**

**22. ADJOURNMENT**

NEXT MEETINGS

COUNCIL WORK SESSION:

TUESDAY, MARCH 15, 2011  
4:00 PM / COUNCIL CHAMBERS

COUNCIL WORK SESSION:

TUESDAY, MARCH 22, 2011  
4:00 PM / COUNCIL CHAMBERS

REGULAR MEETING:

TUESDAY, MARCH 22, 2011  
6:00 PM / COUNCIL CHAMBERS

**AGENDA ACTIONS**  
CUYAHOGA COUNTY COUNCIL SPECIAL MEETING  
TUESDAY, MARCH 1, 2011  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
4:30 PM

1. CALL TO ORDER

**The meeting was called to order by Council President Connally at 4:30 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.**

4. ROLL CALL

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

**On a motion by Mr. Gallagher with a second by Ms. Simon, the agenda was amended by changing the heading for Item No. 10 to read "Consideration of an Ordinance for first reading and referral to Committee" and by deleting ", and declaring the necessity that this Ordinance become immediately effective" from Ordinance No. O2011-0016. The motion was then considered and approved by unanimous vote.**

5. PUBLIC COMMENT RELATED TO AGENDA

**No public comments were given.**

6. APPROVAL OF MINUTES

- a) February 22, 2011 Meeting

**On a motion by Mr. Schron with a second by Mr. Gallagher, the minutes of the February 22, 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.**

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

**A motion was made by Mr. Rogers, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution No. R2011-0072.**

- a) R2011-0072: A Resolution opposing the State of Ohio's plan to recapture and reallocate American Recovery and Reinvestment Act of 2009 Home Weatherization Assistance Program funds from the County of Cuyahoga and other similarly situated subgrantees; requesting the State of Ohio to reconsider and reverse its action; and urging all State Senators, State Representatives, Congressional Representatives and US Senators representing Cuyahoga County to oppose this action; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Rogers and County Executive FitzGerald

**On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0072 was considered and adopted by unanimous vote.**

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

**A motion was made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolutions No. R2011-0073 and No. R2011-0074.**

- a) R2011-0073: A Resolution authorizing the County Executive or his designee to enter into a temporary construction license agreement among Gateway Park, LLC, and Ferrous Realty Limited, an Ohio limited partnership, and City of Brooklyn for the purpose of modifying the Memphis Industrial Parkway for the period 2/28/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

**On a motion by Mr. Germana with a second by Ms. Simon, Resolution No. R2011-0073 was considered and adopted by unanimous vote.**



- b) R2011-0074: A Resolution authorizing the County Executive or his designee to grant a permanent easement and right-of-way to The Cleveland Electric Illuminating Company dba The Illuminating Company in the amount of \$1.00 to erect, construct, operate, maintain for transmission and distribution of electricity for public and private use poles, wires, equipment and appliances on and over County-owned property located at 10991 Memphis Avenue, Brooklyn, in connection with construction of the Memphis Industrial Parkway, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

**On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2011-0074 was considered and adopted by unanimous vote.**

**The agenda was previously amended to change the heading for Item No. 10 and to delete certain language from Ordinance No. O2011-0016.**

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

- a) O2011-0016: An Ordinance authorizing the creation of a Law Department under the supervision of the Director of Law as provided for in Section 5.06 of the Charter of Cuyahoga County to serve as the legal advisor to and representative of the County Executive and County Council, ~~and declaring the necessity that this Ordinance become immediately effective.~~

Sponsor: County Executive FitzGerald

**Council President Connally referred Ordinance No. O2011-0016 to the Justice Affairs Committee.**

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

- a) R2011-0075: A Resolution authorizing the County Executive or his designee to enter into an agreement of cooperation with City of Cleveland Heights for rehabilitation of Taylor Road from Euclid Heights Boulevard to Cleveland Heights North Corporation Line.

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

**Council President Connally referred Resolution No. R2011-0075 to the Public Works, Procurement & Contracting Committee.**

- b) R2011-0076: A Resolution authorizing the County Executive or his designee to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000315-01 with Perk Company, Inc. for rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount of (\$226,457.98).

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

**Council President Connally referred Resolution No. R2011-0076 to the Public Works, Procurement & Contracting Committee.**

- c) R2011-0077: A Resolution authorizing the County Executive or his designee to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27).

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

**Council President Connally referred Resolution No. R2011-0077 to the Public Works, Procurement & Contracting Committee.**

- d) R2011-0078: A Resolution authorizing the County Executive or his designee to prepare an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale for additional funds in the amount of \$243,541.66.

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

**Council President Connally referred Resolution No. R2011-0078 to the Public Works, Procurement & Contracting Committee.**

- e) R2011-0079: A Resolution authorizing the County Executive or his designee to enter into an agreement for settlement of property rights in connection with repair of the Stumph Road Sewer Improvement, located in the City of Parma Heights, County Sewer District No. 1, in an amount equal to the approved appraisal fair market value estimate of

\$9,150.00 for Parcel Nos. 473-21-002S & 473-21-029S (Permanent Sanitary Sewer Easements), 6330 Pearl Road, Cleveland, Ohio 44130.

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

**Council President Connally referred Resolution No. R2011-0079 to the Public Works, Procurement & Contracting Committee.**

- f) R2011-0080: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works or her designee to execute said licenses.

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

**Council President Connally referred Resolution No. R2011-0080 to the Public Works, Procurement & Contracting Committee.**

- g) R2011-0081: A Resolution authorizing the County Executive or his designee to enter into a revenue generating agreement with LifeBanc for lease of space at the County Coroner's Building, located at 11001 Cedar Avenue, Cleveland, for the period 12/1/2010 - 12/31/2013 for a fee to the County in the amount of \$27,600.00 per annum.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

**Council President Connally referred Resolution No. R2011-0081 to the Public Works, Procurement & Contracting Committee.**

- h) R2011-0082: A Resolution approving a loan in the amount not-to-exceed \$1,000,000.00 to Blue Sky Campus, Inc. for a Brownfield Redevelopment Fund Project, located at 9501 Granger Road, Garfield Heights; authorizing the County Executive or his designee(s) to execute all documents required in connection with said loan.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2011-0082 to the Economic Development & Planning Committee.**

- i) R2011-0083: A Resolution authorizing the County Executive or his designee to enter into a contract with Educational Service Center of Cuyahoga County in the amount not-to-exceed \$926,071.00 for administrative and fiscal agent services to expend funds provided

through the American Recovery and Reinvestment Act of 2009 for qualitative Help Me Grow Part C early intervention services to eligible families for the period 7/1/2010 - 6/30/2011.

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

**Council President Connally referred Resolution No. R2011-0083 to the Health, Human Services & Aging Committee.**

- j) R2011-0084: A Resolution authorizing the County Executive or his designee to enter into a contract with the Office of the Prosecuting Attorney of Cuyahoga County in the amount not-to-exceed \$2,264,000.00 for legal services for the period 1/1/2011 - 12/31/2011.

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

**Council President Connally referred Resolution No. R2011-0084 to the Health, Human Services & Aging Committee.**

#### 12. MISCELLANEOUS COMMITTEE REPORTS

- a) Justice Affairs Committee: Presentation on Cuyahoga County Juvenile Justice Center Project.

**The following Committee Chairs reported on various Committee activities:**

**Ms. Simon: Justice Affairs Committee**

**Mr. Gallagher: Public Safety Committee**

**Ms. Conwell: Human Resources, Appointments & Equity Committee**

**Mr. Greenspan: Rules, Charter Review, Ethics & Council Operations Committee**

**Mr. Miller: Finance & Budgeting Committee**

**Mr. Germana: Intergovernmental Relations & Collaboration Committee**

#### 13. MISCELLANEOUS BUSINESS

**Mr. Brady requested that the administration schedule a presentation regarding 2012 property reappraisals for an upcoming Council work session.**

#### 14. PUBLIC COMMENT UNRELATED TO AGENDA

**No public comments were given.**

15. ADJOURNMENT

**With no further business to discuss and on a motion by Ms. Conwell with a second by Mr. Greenspan, the meeting was adjourned at 5:25 p.m., without objection.**

**COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO**

**MOTION NO. M2011-0011**

**SPONSORED BY: COUNCIL PRESIDENT CONNALLY**

**A Motion** confirming the County Executive's appointment of Richard Werner upon his taking the oath of office as the Director of Health and Human Services of Cuyahoga County.

WHEREAS, Article VIII of the Charter of Cuyahoga County creates the Department of Health and Human Services to administer all programs and activities for which the County has or has assumed responsibility for the protection and enhancement of the health, education, and well-being of County residents and that are not assigned by general law to other boards, agencies, or officials; and,

WHEREAS, Charter Section 2.03(2) grants the County Executive the power to appoint directors, subject to confirmation by the Council; and,

WHEREAS, County Executive FitzGerald nominated Richard Werner for appointment as Director of Health and Human Services after determining that Mr. Werner meets the eligibility requirement contained in Charter Section 8.02 of having at least five years' experience in an upper-level managerial position with responsibility for the provision of human services of the kind provided for in Article VIII of the Charter; and,

WHEREAS, the Council conducted a confirmation hearing which was noticed to the public and held in an open meeting on March 3, 2011; and,

WHEREAS, the Council elects to confirm the County Executive's appointment of Richard Werner as Director of Health and Human Services; and,

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

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

**SECTION 1.** That the appointment by the County Executive of Richard Werner upon his taking the oath of office as the Director of Health and Human Services is hereby confirmed.

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

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Journal CC001  
March 8, 2011

**COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO**

**MOTION NO. M2011-0012**

**SPONSORED BY: COUNCIL PRESIDENT CONNALLY**

A **Motion** confirming the County Executive's appointment of Bonita Teeuwen, Director of Public Works, to serve on the Cuyahoga County Solid Waste District Board of Trustees.

WHEREAS, Chapter 343 of the Ohio Revised Code provides for the creation of a County Solid Waste District; and,

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

WHEREAS, County Executive has nominated Bonita Teeuwen, Director of Public Works, to serve on the Cuyahoga County Solid Waste District Board of Trustees.

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

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

**SECTION 1.** The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Bonita Teeuwen, Director of Public Works, to serve on the Cuyahoga County Solid Waste District Board of Trustees.

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

**SECTION 3.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees



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

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

Yeas:

Nays:

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

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

Journal CC001  
March 8, 2011

**COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO**

**MOTION NO. M2011-0013**

**SPONSORED BY: COUNCIL PRESIDENT CONNALLY**

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

WHEREAS, Section 9.01 of the Charter, entitled Human Resources Commission, creates the Commission which is responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness.

WHEREAS, Section 9.01 of the Charter of Cuyahoga County states that "the County Executive, subject to confirmation by the Council, shall appoint the members of a Human Resources Commission, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations," and that, "no more than two of the three members of the Human Resources Commission shall be members of the same political party;" and,

WHEREAS, Section 9.01 further provides that of the terms of office for the initial appointees, one shall be appointed for a term of six years, one shall be appointed for a term of four years and one shall be appointed for a term of two years; and,

WHEREAS, the County Executive has nominated Mr. Robert Wolff, Ms. Angela Simmons and Ms. Kathleen Palmer for appointment as members of the Human Resources Commission, and has determined that these individuals meet the requirements for appointment to the Commission contained in Charter Section 9.01; and,

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

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

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

Mr. Robert Wolff  
For the Term March 8, 2011 – March 7, 2017

Ms. Angela Simmons  
For the Term March 8, 2011 – March 7, 2015

Ms. Kathleen Palmer  
For the Term March 8, 2011 – March 7, 2013.

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

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Journal CC001  
March 8, 2011

**COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO**

**MOTION NO. M2011-0014**

**SPONSORED BY: COUNCIL PRESIDENT CONNALLY**

A **Motion** confirming the County Executive's appointment of Carol Dayton to serve on the Western Reserve Area Agency on Aging Board of Trustees.

WHEREAS, Ohio Revised Code Section 173.011 provides for the designation of a private nonprofit entity as an "area agency on aging" to administer funds granted under the Older Americans Act of 1965; and,

WHEREAS, the Western Reserve Area Agency on Aging (WRAAA) is a private non-profit corporation organized and designated by the State of Ohio to be the planning, coordinating, administrative agency for federal and state aging programs in Cuyahoga, Geauga, Lake, Lorain, and Medina Counties and is one of 12 Area Agencies on Aging that the state organized together with local service provider organizations and the Ohio Department of Aging to form the state's public aging network; and,

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

WHEREAS, County Executive has nominated Carol Dayton to serve on the WRAAA Board of Trustees on behalf of Cuyahoga County; and,

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

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

**SECTION 1.** The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Carol Dayton to serve on the Western Reserve Area Agency on Aging Board of Trustees.

**SECTION 2.** It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the

usual and daily operation of the County. Provided that this Motion receives the affirmative vote of eight members of Council, this Motion shall become immediately effective upon the signature of the County Executive.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Journal CC001  
March 8, 2011

**COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO**

**MOTION NO. M2011-0015**

**SPONSORED BY: COUNCIL PRESIDENT CONNALLY**

**A Motion** confirming the County Executive's appointment of Karen Butler to serve on the Cuyahoga Regional HIV Health Services Planning Council.

WHEREAS, the mission of the Regional Health Services Planning Council is to develop a comprehensive plan for organizing and delivering HIV health and support services, establish priorities for the allocation of federal Comprehensive AIDS Resources Emergency Act (C.A.R.E.) funds with the Cleveland Emergency Metropolitan Area (E.M.A.) consisting of Cuyahoga, Ashtabula, Geauga, Lake, Lorain, and Medina Counties and assess the efficiency of the mechanism to rapidly allocate funds; and,

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

WHEREAS, County Executive has nominated Karen Butler to serve on the Cuyahoga Regional HIV Health Services Planning Council; and,

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

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

**SECTION 1.** The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Karen Butler to serve on the Cuyahoga Regional HIV Health Services Planning Council.

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

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

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

Yeas:

Nays:

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

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

Journal CC001  
March 8, 2011

**COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO**

**MOTION NO. M2011-0016**

**SPONSORED BY: COUNCIL PRESIDENT CONNALLY**

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

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

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

WHEREAS, County Executive has nominated Gary Norton and Karen Gabriel Moss to serve on the Greater Cleveland Regional Transit Authority Board of Trustees; and,

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

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

**SECTION 1.** The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Gary Norton (for the unexpired term ending March 31, 2012) and Karen Gabriel Moss (for the unexpired term ending March 31, 2013) to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

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

**SECTION 3.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees



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

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

Yeas:

Nays:

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

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

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

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

MOTION NO. M2011-0007

Sponsored by: Councilpersons Dale Miller and David Greenspan

A Motion of Council presented in the form of a resolution to adopt permanent rules for the Cuyahoga County Council.

WHEREAS, the Cuyahoga County Charter provides in Article 2, Section 10, Subsection 2 that the Cuyahoga County Council shall adopt its own rules; and

WHEREAS, on January 3, 2011, the Cuyahoga County Council adopted interim rules that are set to expire on March 22, 2011; and

WHEREAS, the interim Rules of Council provide that permanent rules shall be adopted by a Motion of Council receiving the affirmative vote of at least seven (7) members of County Council; and

WHEREAS, the Council's purpose and intent in adopting these rules is to develop operating procedures for the Council that are clear and understandable, promote fair and orderly conduct of the Council's business, facilitate openness and public participation, provide for easy access to public records, and encourage ethical conduct;

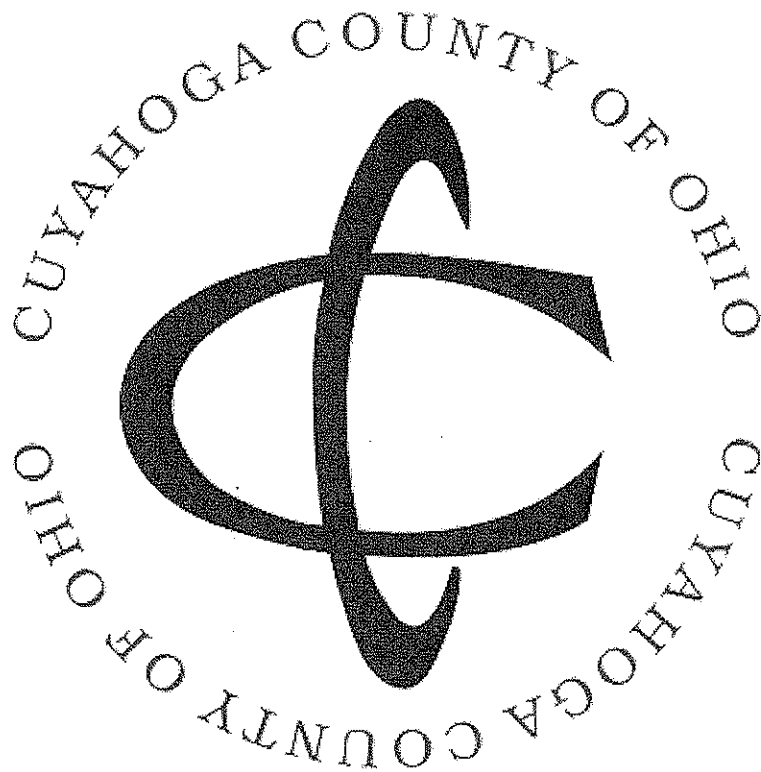
THEREFORE, be it resolved that:

Section 1. Rules of Cuyahoga County Council. The Rules of Cuyahoga County Council are hereby adopted as follows:

COUNCIL RULES ADOPTED

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

# Cuyahoga County Council Rules



## Cuyahoga County Council

Rules, Charter Review, Ethics and Council Operations Committee

Dave Greenspan, Chair

Dale Miller, Vice Chair

C. Ellen Connally

Sunny Simon

Dan Brady

March 2011

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## COUNCIL RULES ADOPTED

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

## DEFINITIONS

- a) "Adopted" or "adoption" means approval of legislation by Council after three (3) or more readings or after dispensing with the requirement of three (3) readings.
- b) "Adjourned session" means a meeting that has concluded, but prior to the conclusion of the meeting the time and date for another meeting to continue the business of the meeting has been set.
- c) "Agenda" means a list of all ordinances, resolutions, motions, and reports to be considered by Council at a regular or special meeting that is prepared by the Clerk of Council in written form prior to the meeting, or a similar list of matters to be considered at a Council committee meeting.
- d) "Charter" means the Charter of Cuyahoga County, adopted by the electors of Cuyahoga County at the general election on November 3, 2009, as amended.
- e) "Clerk" means the Clerk of Council.
- f) "County" means Cuyahoga County.
- g) "Enacted" or "enactment" means, with respect to legislation, adoption by Council and approval by the Executive within ten (10) days after presentation by the Clerk; or adoption by Council and the expiration of ten (10) days without approval or veto by the Executive; or approval by the vote of at least eight (8) Members of Council upon reconsideration after disapproval by the Executive as provided by the Charter.
- h) "Executive" means the Elected County Executive of Cuyahoga County as provided in Article 2 of the Charter.
- i) "Executive Session" means a meeting of Council or a Committee of Council not open to the public held according to ORC Section 121.22, as amended.
- j) "Journal of Council" means the permanent record, maintained by the Clerk, of the agenda, minutes, reports, legislation adopted, and motions approved by the County Council and its committees.

- k) "Legislation" means any ordinance or resolution, including a Motion of Council or proclamation, submitted to the Council for consideration. Legislation shall be designated as an "ordinance" if it is of a general and permanent nature and as a "resolution" if it is of a temporary nature or does not prescribe any permanent rules of conduct and/or expression of legislative intent.
- l) "Matters" mean all legislation, parliamentary motions, agenda items, and requests to address Council.
- m) "Meeting" means any prearranged discussion of public business by a majority of the Members of Council or by a majority of the Members of any Council committee.
- n) "Member" means a Member of the County Council, as provided in Article 3 of the Charter, unless the context clearly indicates otherwise.
- o) "Motion of Council" means a form of resolution which proposes action by the Council that is not of a general nature and is not subject to veto by the Executive.
- p) "Organizational Meeting" means the Regular Council Meeting which occurs on the first business day of each year that immediately follows the year during which elections are held for the office of Member of County Council.
- q) "Parliamentary Motion" means a proposal made in a meeting of Council or a Committee of Council in accordance with the Rules of Council to expedite or control deliberations and the transaction of business.
- r) "Presiding officer" means the President for a meeting of Council and the Chairperson for a committee.
- s) "Regular Council Meeting" means a prearranged meeting of the County Council scheduled pursuant to a Motion of Council approved to set the Council calendar of each year.
- t) "Special Council Meeting" means a meeting of Council that is neither a Regular Council Meeting, nor the resumption of a Regular or Special Council Meeting that had been adjourned to another time or day and time.

## **ARTICLE 1. MEMBERS OF COUNCIL**

### *Rule 1A: Member Conduct*

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



*Rule 1B: Member Rights*

Members shall have equal status, privileges and rights, regardless of any position in the Council to which a member has been elected or appointed.

*Rule 1C: Members to Provide Contact Information*

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

*Rule 1D: Council Vacancy*

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

*Rule 1E: Letters of Commendation and Condolence*

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

## **ARTICLE 2. OFFICERS OF COUNCIL**

*Rule 2A: Presentation of Candidates for Council Leadership*

The Council shall provide candidates for President and Vice President an opportunity to present their candidacies to their colleagues and the public as follows:

- 1) Prior to the Council meeting on the 4th Tuesday in November in each year in which a general election for Members of Council takes place, any Member or Member-Elect who will be a Member at the next Organizational Meeting and who wishes to participate in the public presentation of candidacies shall inform the Clerk of his/her intentions to be a candidate for President or Vice President of Council. At that same Council meeting, the Clerk shall announce the names of candidates who declared for President or Vice President.
- 2) Within one week following the Council meeting on the 4th Tuesday in November, each candidate for President or Vice President shall submit a biography or resume to the Clerk, who shall post these materials on the County's website and distribute them to all Members or Members-Elect who will be Members at the next Organizational Meeting.

- 3) On the 2nd Tuesday in December of the same year, at 5 PM, all Members who shall be Members at the next Organizational Meeting shall meet in the regular Council Chambers to hear the presentations of the candidates for President and Vice President. For purposes of notice and open meetings requirements, this meeting shall be handled in the same way as a meeting of Council. The Clerk shall preside over the meeting. Each candidate shall be given three (3) minutes for presentation. After all the candidates for an office have been heard, time shall be provided for questions from the Members, with all questions being directed to all candidates for the same office. After the presentations have been completed, the Members may take an advisory vote on the offices, using the process outlined in Rule 2D, in order to enable the presumed winners for President and Vice President time to prepare for their leadership responsibilities; however, such vote shall not be binding on Members at the Organizational Meeting.
- 4) In the event that the result of the General Election for any Member of Council is in dispute, the Council shall adjust the schedule for the presentation of candidates for President and Vice President to insure that the process follows the determination of the results of the General Election for Members of Council.

*Rule 2B: Organizational Meeting*

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

*Rule 2C: Clerk's Role at Organizational Meeting*

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

*Rule 2D: Process for Election of Council Leadership*

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

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

candidates are tied for the least number of votes, then no candidates shall be eliminated, and the voting process shall be repeated. If no candidate receives six (6) votes in the second round, the process described above shall be repeated until a candidate is elected.

- 4) After the election of the President, the Vice President shall be elected in the same manner.

*Rule 2E: Duties of President of Council*

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

*Rule 2F: Duties of Vice President of Council*

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

*Rule 2G: Absence or Disability of President and Vice President*

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

*Rule 2H: Council Officer Vacancy*

If a vacancy occurs in the office of President, the Vice President shall become President Pro-Tem until the vacancy is filled. Not later than the second regular meeting after the vacancy occurs, the Clerk shall conduct an election for President, following the procedure set forth in Rule 2D. If the Vice-President is elected as President, the Clerk shall immediately conduct an election for Vice President, following the same procedure. If a vacancy occurs in the office of Vice-President, the President shall appoint a member as Vice-President Pro Tem until the vacancy is filled. Not later than the second regular meeting after the vacancy occurs, the Clerk shall conduct an election for Vice-President, following the procedure set forth in Rule 2D.

*Rule 2I: Council Officers Entitled to Vote*

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

## **ARTICLE 3. COUNCIL PERSONNEL**

### *Rule 3A: Clerk of Council*

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

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

### *Rule 3B: Other Council Personnel*

The Council shall, by appropriate legislation, determine the number, job titles, classifications, compensation, and duties of such other personnel, either full time or part time staff, contractors or professional experts or other consultants on a retainer or contract bases, as are needed to properly perform the duties of Council as set forth in the Charter. In making such appointments or contracts, the President shall make recommendations to Council based on work done by the appropriate committee to find candidates whose experience and qualifications best match the requirements of the positions for which they are being considered, and on consideration of the need to be reflective of all the people of Cuyahoga County.

## **ARTICLE 4. QUORUM OF COUNCIL**

*Rule 4A: Quorum Defined*

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

*Rule 4B: Clerk to Determine Quorum*

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

*Rule 4C: Absence of Quorum*

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

## **ARTICLE 5. MEETINGS OF COUNCIL**

*Rule 5A: Schedule of Regular Council Meetings*

No later than November 30th of each year, the Council, by a Motion of Council, shall establish a schedule of the dates, times, and locations of all Regular Council meetings for the following calendar year.

*Rule 5B: Regular Place and Times for Council Meetings*

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

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

The Council may, by Motion of Council, change the date, time, or place of any Regular Council Meeting or cancel any Regular Council Meeting; however, the Council shall provide at least three (3) days notice in rescheduling any Regular Council Meeting. Notice of any rescheduled Regular Meeting of Council shall be promptly given to all Members, posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

*Rule 5D: Notice Required for Adjourned Meeting of Council*

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

*Rule 5E: Special Council Meetings*

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

*Rule 5F: Notice Required for Special Council Meeting*

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

*Rule 5G: Digital Record of Council Meetings Required*

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

*Rule 5H: Absence of Members*

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

*Rule 5I: Council Meeting Agenda*

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

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

*Rule 5J: Publication of Agenda for Council Meetings*

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

*Rule 5K: Council Member Packets*

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

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

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

## **ARTICLE 6. ORDER OF BUSINESS**

*Rule 6A: Order of Business*

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

- 1) Call meeting to order
- 2) The Pledge of Allegiance to the flag of the United State of America
- 3) Silent meditation
- 4) Roll call
- 5) Public comment relating to today's agenda
- 6) Approval of minutes
- 7) Messages from the Executive
- 8) Consideration of proclamations
- 9) Consideration of Motions of Council

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

*Rule 6B: Council Authority to Determine Agenda*

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

## **ARTICLE 7. ACTIONS OF COUNCIL**

*Rule 7A: Types of Council Action*

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

*Rule 7B: Ordinances*

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

- a. COUNTY COUNCIL OF CUYAHOGA COUNTY,  
OHIO
  - i. Ordinance No. \_\_\_\_\_
  - ii. Sponsored by \_\_\_\_\_



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

*Rule 7C: Resolutions*

- 1.) A resolution proposes legislative action that does not involve permanent changes in law.
- 2.) The heading for a resolution shall be as follows:

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

Resolution No. \_\_\_\_\_

Sponsored by \_\_\_\_\_

- 3.) All resolutions shall contain only one subject. The title shall be a succinct summary of the subject and purpose of the resolution.
- 4.) The Clerk shall assign a number to each resolution, which shall indicate the year of introduction and the number of the resolution within that year.
- 5.) The resolution shall state the sponsor and any cosponsors. Two or more Members may jointly sponsor a resolution.
- 6.) The resolution shall contain statements of support, followed by a resolution clause that reads, "Be it resolved by the County Council of Cuyahoga County, Ohio, that..."

*Rule 7D: Proclamations*

- 1.) Proclamations are ceremonial acknowledgements, generally of congratulation or condolence, to recognize a noteworthy event or person.
- 2.) Proclamations shall be considered a form of resolution and shall be adopted in the same manner as other resolutions.

*Rule 7E: Motions of Council*

- 1.) Any non-legislative power of the County Council or actions not subject to Executive veto, other than proclamations, may be exercised by adoption of a resolution in the form of a Motion of Council. These powers include, but are not limited to:
  - A.) Organization and administration of the Council.
  - B.) Confirmation or rejection of appointments proposed by the Executive.
  - C.) Actions necessary to exercise Council's oversight authority, pursuant to Article 3, Section 9, Subsection 10 and Article 3, Section 12 of the Charter.
- 2.) All approved Motions of Council shall be in written form, provide the full text of the motion, indicate the name(s) of the Member(s) who made the motion and the date of approval by Council, and shall be signed by the President and Clerk.
- 3.) A Motion of Council shall be considered a form of resolution and shall be adopted in the same way as other resolutions.
- 4.) The Clerk shall assign a number to all Motions of Council, and they shall be posted on the County's website and shall be kept in a permanent file, which may be in an electronic format.

*Rule 7F: Parliamentary Motions*

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

## **ARTICLE 8. DECORUM**

*Rule 8A: Visual Demonstrations Prohibited*

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

*Rule 8B: Respectful Presence*

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

*Rule 8C: Audible Communication Devices Prohibited*

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

*Rule 8D:      *Filming, Taping, and Recording**

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

## **ARTICLE 9.      **PARLIMENTARY PROCEDURE****

*Rule 9A:      *Parliamentary Procedure Manual**

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

*Rule 9B:      *Presiding Officer to Direct Meetings**

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

*Rule 9C:      *Reading of Legislation**

Legislation shall be read by title only.

*Rule 9D:      *Three Readings Required**

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

*Rule 9E:      *Parliamentary Motions**

- 1.) Parliamentary motions are classified as follows: main motion, subsidiary motions, privileged motions, incidental motions, and renewal motions.
- 2.) Privileged motions do not relate to the pending business, but deal with matters of immediate importance, and given precedence, in the following order, starting with the highest:
  - A.)      Adjourn to a time certain
  - B.)      Adjourn

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

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

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

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

- A.) Point of order
- B.) Suspension of the rules
- C.) To withdraw a motion
- D.) To divide a question, asking that allows a motion with several parts be considered as two or more separate questions.

- 5.) A main motion to bring an item for consideration before the Council or any committee of Council is not in order when any other question is before the Council and yields to all privileged, incidental, and subsidiary motions.
- 6.) The following renewal motions bring a question back before the Council or committee:
  - A.) Take from the table
  - B.) Rescind, a motion to cancel the action taken in a previously approved motion
  - C.) Reconsider, a motion to bring back for further consideration a motion that had previously been voted on.

*Rule 9F: Renewal of Motions*

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

*Rule 9G: Motion to Reconsider*

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

*Rule 9H: Time Limit for Members Speaking*

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

*Rule 9I: Non-debatable Motion Following Speech Prohibited*

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

*Rule 9J: Amendments*

All amendments shall be germane to the subject that is proposed to be amended, and all proposed amendments to an ordinance, resolution, or Motion of Council shall be in written form, but a parliamentary motion need not be in written form.

*Rule 9K: Committee Authority to Pass Amendments*

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

*Rule 9L: Executive Appointments*

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

*Rule 9M: Expedited Consideration of Executive Appointments*

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

*Rule 9N: Interim Executive Appointments*

Whenever the Executive makes an appointment on an interim basis to a position that is subject to advise and consent by Council, the President shall request that, prior to the completion of sixty(60) days of service, the appointee shall make a presentation of his/her qualifications and answer questions at a committee designated by the President.

*Rule 9O: Council Appointments*

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

## **ARTICLE 10. VOTING**

*Rule 10A: Duty to Vote*

Members shall vote on every question in the Council or in committee, except when granted permission not to vote by the Council or the committee. A Member shall request to be recused from voting whenever the member has a personal or monetary interest in any matter under consideration or when voting on the matter could for any other reason constitute a violation of state or county ethics law. Any such request shall not be denied by the presiding officer, except for good cause.

*Rule 10B: Proxy Voting Prohibited*

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

*Rule 10C: Voting Procedure*

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

*Rule 10D: Change of Vote*

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

## **ARTICLE 11. LEGISLATION**

*Rule 11A: Information Required in Legislation*

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

*Rule 11B: Signatures Required for Adoption of Legislation*

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

*Rule 11C: Clerk to Maintain Legislation*

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

*Rule 11D: Vote Required for Adoption of Legislation*

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

*Rule 11E: Effective Date of Legislation*

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

*Rule 11F: Expiration of Pending Legislation*

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

*Rule 11G: Reconsideration After Executive Veto*

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

*Rule 11H: Publication and Codification of Legislation*

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

*Rule 11I: Codification of Legislation*

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



*Rule 11J: Authorization to Make Technical Changes*

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

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

*Rule 11K: Historical Record of Codified Ordinances*

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

*Rule 11L: Maintenance of Codified Ordinances*

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

## **ARTICLE 12. COMMITTEES**

*Rule 12A: Referral to Committee*

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

*Rule 12B: Referral to Multiple Committees*

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

- 1.) If a matter is referred to multiple committees sequentially, it shall be heard in Council on second reading after being reviewed by all assigned committees. The recommendations of all assigned committees shall be

considered and the matter shall be reported in the form recommended by the last committee.

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

*Rule 12C: Joint Committees*

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

*Rule 12D: Subcommittees*

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

*Rule 12E: Advisory Subcommittees*

The Chairperson of any standing committee, with the approval of the President, may appoint one or more advisory subcommittees, comprised of one or more Members of that standing committee and one or more members of the general public, to study and make recommendations to the full committee on specific subjects within the standing committee's jurisdiction. Members of the public serving on advisory subcommittees shall be electors of Cuyahoga County and shall serve at the pleasure of the Chairperson.

The Chairperson of each standing committee shall, with the approval of the President, appoint the Chairperson and Vice Chairperson of each advisory subcommittee under that standing committee. The Chairperson of each advisory subcommittee shall be a Member of Council. Except for the provisions

of this rule relating to the composition, and appointment of members and officers for advisory subcommittees, all other rules that apply to committees of Council shall also apply to advisory subcommittees, including but not limited to rules regarding notice of meetings, keeping of minutes, advance publication of the agenda, and provision of time for public comment.

*Rule 12F: Temporary Appointments to Committee*

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

*Rule 12G: Standing Committees*

The following standing committees are established for the council:

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

*Rule 12H: Committee Assignments to be for Two Years*

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

*Rule 12I: President to Appoint Committees*

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

*Rule 12J: Council to Set Regular Committee Times*

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

*Rule 12K: Special Committees*

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

*Rule 12L: Committees to Appoint Secretary*

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

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

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

*Rule 12N: Notice Requirements for Committee Meetings*

Except as provided in Rule 12O, all Members shall be notified of the date, time, location, and agenda for any committee meeting at least two (2) business days before the meeting, and the same information shall at the same time be listed in the Journal of Council, posted on the County's website, and posted at the Clerk's Office. For any committee meeting that is scheduled for a day, time or location other than its regularly scheduled day, time, and location as provided for in Rule 12J, the same information shall be distributed to the news media that have requested this information. The agenda shall indicate which, if any, of the matters on the agenda may be up for a final vote in committee at that meeting. A matter not designated in the agenda for a possible vote shall not be voted upon unless this rule is suspended by a vote of 2/3 of the full membership of the committee.

*Rule 12O: Emergency Committee Meeting*

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

an Emergency Committee Meeting, only matters on the agenda for the meeting may be considered.

*Rule 12P: Vote Required for Committee Recommendations*

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

*Rule 12Q: Written Committee Reports Required*

Whenever a committee completes its work on any legislation, the chairperson shall promptly provide written notification to the clerk of the committee's recommendations and may provide additional information on the committee's work at the discretion of the chairperson. The Clerk shall post all committee reports on the county's website and include them in the Journal of Council.

*Rule 12R: Clerk to Staff Committees*

The Clerk shall determine the presence of a quorum, keep minutes, and record votes at each committee meeting, but may appoint another member of Council's staff to perform these duties for any committee meeting. Minutes shall be kept at each committee meeting and shall be included in the Journal of Council and posted on the County's website within seven (7) days after the conclusion of the meeting.

*Rule 12S: Committee of the Whole*

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

*Rule 12T: Discharge from Committee*

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

*Rule 12U: Participation of Members at Committee Meetings*

Any Member may be seated at the committee table and participate in all discussions, whether or not that Member has been appointed to that

committee; however, a Member who has not been appointed to a committee may not offer motions or vote at that committee.

*Rule 12V: Notice Provisions for Adjourned Committee Meeting*

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

*Rule 12 W: List of Committees*

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

## **ARTICLE 13. WORK SESSIONS**

*Rule 13A: Work Sessions*

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

*Rule 13B: Work Sessions Considered Committee Meetings*

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

*Rule 13C: Informal Process Permitted at Work Sessions*

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

*Rule 13D: No Formal Action Permitted at Work Sessions*

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

## ARTICLE 14 OPEN MEETINGS, OPEN RECORDS, EXECUTIVE SESSION, SPECIFIC NOTICE

### *Rule 14A: Open Meetings*

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

### *Rule 14B: Availability of Public Records*

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

### *Rule 14C: Executive Session*

Notwithstanding Rule 14A, the Council or any Council committee may conduct an Executive Session under the provisions of Ohio Revised Code Section 121.22, as amended. The motion to adjourn to an Executive Session shall be specific as to the matters to be discussed during the Executive Session and shall require the affirmative vote a majority of Members present. An Executive Session may be conducted only if the intent to conduct an Executive Session is stated in the published agenda for the meeting at which the Executive Session is to be conducted. Minutes shall be kept at all Executive Sessions and shall be included within the 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.

### *Rule 14D: Record of Executive Sessions Required*

The Clerk shall post a list on the County's website of all Executive Sessions conducted and shall maintain a permanent file of the same, which may be in an electronic format. For each Executive Session conducted, the list shall name the Council or the specific committee conducting the meeting and each item of information required to be in the minutes of an Executive Session, according to Rule 14C.

### *Rule 14E: Advance Notice of Meetings Concerning Specific Topics*

Any person may visit, telephone or contact by electronic mail the office of the Clerk during that office's regular office hours to determine, based on information available at that office, the time, place, and location of regular meetings; the time, place, location, and purpose of any then known special meetings; and whether the available agenda of any such future meeting states that any specific type of public business, identified by the person, is to be discussed at such meeting. In addition, any person may request, through the Clerk's office, to obtain reasonable advance notice of all meetings at which any

specific type of business is to be discussed. Any person making this request may choose to receive such notifications either by electronic mail or regular U.S. mail. The Council may set a reasonable annual fee to receive this information by regular U.S. mail, but there shall be no fee to receive this information by electronic mail.

*Rule 14F: Notice Available to News Media*

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

*Rule 14G: Requirements for Emergency Meeting*

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

## **ARTICLE 15. RECORDS OF MEETINGS OF COUNCIL AND COMMITTEES**

*Rule 15A: Minutes of Council Meetings*

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

*Rule 15B: Minutes to be Provided to Council Members*

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

*Rule 15C: Journal of Council*

The Clerk 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 all minutes and shall include a list of all legislation, including the number, title, sponsor, date of first reading, committee assignment, date of second reading, date of third reading, or date of dispensing with the requirement for three readings, and date of the adoption or failure to adopt. The Journal of Council shall also include the agenda for all Council meetings, the agenda and minutes for all committee meetings, and all committee reports.

## **ARTICLE 16. CONTINUITY, AMENDMENT AND SUSPENSION OF RULES**

*Rule 16A: Continuity of Rules*

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

*Rule 16B: Amendment of Rules*

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

*Rule 16C: Suspension of Rules*

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

## **ARTICLE 17. REQUESTS TO ADDRESS COUNCIL**

*Rule 17A: Public Comment at Committee Meetings*

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

*Rule 17B: Public Comment Available at All Committee Meetings*

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

*Rule 17C: Public Comment at Council Meetings*

The Council shall provide time at the beginning of each Council meeting for public comment regarding items on the agenda for that meeting, and shall

provide time at the end of each Council meeting for public comment that relates to County business but does not relate to the agenda for that meeting. Requests to address Council shall be made in writing to the Clerk prior to the meeting on a form to be provided for this purpose. Requests submitted to the Clerk not later than 12 Noon on the day of the meeting shall be given priority in the order of presentation. After being recognized by the President, the presenter shall state his/her name and address and may speak for not more than two (2) minutes, unless such time is extended at the discretion of the President.

Section 2. Effective Date. Provided that this motion receives the affirmative vote of at least eight (8) of the members elected to Council, it shall take effect immediately upon adoption by Council. It is hereby determined to be necessary that this motion become immediately effective in order that the County Council continue to have operating rules in place without interruption, and so that the usual and daily operations of county government may continue to function.

Section 3. It is found and determined that all formal actions of the Council and Council committees relating to the adoption of this motion occurred in open meetings and that all deliberations of this Council and any of its committees that resulted in such formal action took place in meetings open to the public, in compliance with all legal requirements, including those of Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

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

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

First Reading/Referred to Committee: February 8, 2011  
Committee Assigned: Rules, Charter Review, Ethics & Council Operations

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

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

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0085

Sponsored by: <b>Conwell, Rogers, Jones, Miller and County Executive FitzGerald</b>	<b>A Resolution</b> objecting to Senate Bill 5, which would sharply curtail collective bargaining rights of Ohio public employees.
---	--

WHEREAS, Senate Bill 5 (S.B. 5) recently introduced and passed out of the Ohio Senate, seeks to rewrite O.R.C. Chapter 4117, The Public Employee's Collective Bargaining Act; and,

WHEREAS, as passed out of the Senate, S.B. 5 would sharply curtail the collective bargaining rights of all Ohio public employees and would eliminate the use of binding arbitration as an impasse resolution process in contract negotiations for public safety employees, including police officers and firefighters; and,

WHEREAS, this Council agrees that S.B. 5 is a direct attack on public-sector workers and will lead to lower wages and benefits that will hurt Ohio families; and,

WHEREAS, this Council believes that the serious budget crisis facing the state should not be used as an excuse to eliminate the long established collective bargaining rights of hard working public servants; and,

WHEREAS, Cuyahoga County, the City of Cleveland, and many other local government jurisdictions have shown that a more effective way of addressing economic crisis is to openly engage workers and to clearly explain the crisis, while honoring union rights and respecting public servants; 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 this Council hereby objects to Senate Bill 5 which would sharply curtail the collective bargaining rights of all Ohio public employees and would eliminate the use of binding arbitration as an impasse resolution process in contract negotiations for public safety employees, including police officers and firefighters.

**SECTION 2.** That the Clerk of Council is hereby directed to forward a copy of this resolution to Governor John Kasich and all members of the Ohio Senate and House of Representatives.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0017

Sponsored by: <b>Council President Connally</b>	<b>An Ordinance</b> establishing a per diem compensation rate for members of the Human Resources Commission as required by Section 9.01 of the Charter of Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.
---	--

WHEREAS, Charter Section 3.09, Powers and Duties of Council, states that all powers of the Council shall be exercised by ordinance and resolution and shall include, but not be limited to... (5) To adopt and amend the County's annual tax budget, operating budget and capital improvements program and to make appropriations for the County.

WHEREAS, Article IX of the Charter of Cuyahoga County creates a Human Resources Commission consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations; and,

WHEREAS, Charter Section 9.01 states that "the Council shall establish a per diem compensation rate for the members of the Human Resources Commission;" and,

WHEREAS, Charter Section 9.02 grants the Human Resources Commission the authority to appoint hearing officers to hear all employee appeals previously under the jurisdiction of the State Personnel Board of Review; and,

WHEREAS, the 2011 Budget of Cuyahoga County that was adopted by the prior government did not contain an operating budget with a schedule of estimated revenue and proposed expenditures for the Human Resources Commission; and,

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

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

**SECTION 1.** Within 90 days of the passage of this ordinance, the County Council shall adopt an operating budget for the Human Resources Commission. The County Executive and the Human Resources Commission are hereby requested to present a proposed schedule of estimated revenues and proposed expenditures for this purpose.

**SECTION 2.** Pursuant to Charter Section 9.01, Council hereby establishes a per diem rate of compensation for the members of the Human Resources Commission in the amount of \$200.00 and a per diem at the rate of \$225.00 for the Human Resource Commission Chairperson, a position which shall be rotated among the members every two years. The Executive shall designate the Chairperson of the Human Resource Commission.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Journal CC001  
March 8, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0002

Sponsored by: <b>Conwell, Miller and Germana</b>	<b>A Resolution</b> opposing House Bill No. 3 of the 129 <sup>th</sup> Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after 1/1/2011, and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, House Bill No. 3 introduced on January 11, 2011 by representatives Cheryl L. Grossman (R) and Jay Hottinger (R) would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after January 1, 2011; and

WHEREAS, the estate tax helps address the imbalance of wealth by taxing the wealthy; and

WHEREAS, currently Ohio levies an estate tax of up to 7 percent on the next value of an estate before its assets are transferred to anyone else, but Ohio doesn't collect tax on estate unless its net taxable value is greater than \$338,333, according to the Taxation Department; and

WHEREAS, the Census Bureau reports that Ohio's 2009 median family income was about \$57,000- and the median value of an Ohio owner-occupied housing unit about \$135,000; and

WHEREAS, Ohio taxed only about 8,000 estates in the 12 months that ended in June 2009, though about 110,000 Ohioans- albeit of all ages and financial circumstances-died in calendar 2008; and

WHEREAS, abolishing the estate tax would hurt local municipalities that receive about 80 percent of estate tax revenue- about \$270 million in fiscal year 2009; and

WHEREAS, with 80 cents of every \$1 Ohio collects in estate tax being returned to the city, village or township where the dead person lived, in 2008, for example \$5.4 million went to Cleveland, \$2.3 million to Cleveland Heights, \$9.2 million to Columbus, \$2 million to Upper Arlington, \$ 785,000 to Dayton, \$3.6 million to Kettering, \$1.5 million each to Springfield and Hamilton, and \$911,000 to Mason; and





Journal CC001  
March 8, 2011

**CUYAHOGA COUNCIL OF CUYAHOGA COUNTY, OHIO**

**ORDINANCE NO. O2011-0008**

**SPONSORED BY: GREENSPAN, MILLER AND CONWELL**

WHEREAS, the Cuyahoga County Charter provides for the transition, effective January 1, 2011, to a county governed by an elected County Executive and an eleven member elected County Council; and

WHEREAS, on January 3, 2011, the Cuyahoga County Council adopted an interim Code of Ethics that are set to expire on March 22, 2011; and

WHEREAS, the interim Code of Ethics provide that permanent rules shall be adopted by an Ordinance receiving the affirmative vote of at least eight (8) members of County Council; and

WHEREAS, Section 3.09 (12) of the Charter, Powers and Duties of the Council, provides that Council has the power to establish by ordinance a Code of Ethics, which shall be in addition to, and not inconsistent with, general law on the subject, which shall guide and inform County officers and employees in the performance of their official duties in a manner that will represent high standards of professionalism and loyalty to the residents of the County and that will avoid conflicts of interest, self-dealing and other violations o the public trust.; and

WHEREAS, on March 1, 2011, the Cuyahoga County Council committee on Rules, Charter Review, Ethics and Council Operations voted unanimously to adopt a Cuyahoga County Code of Ethics:

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

**Section 1. Code of Ethics.** Pursuant to the Charter of Cuyahoga County Article 3, Section 9, subsection 12, Council hereby establishes a Code of Ethics for Cuyahoga County, whose provisions are fully set forth in the attached "Code of Ethics" and are incorporated herein with the intent that they have the full force and effect of all other provisions of this Ordinance.

**Section 2. Effective Date.** This Ordinance shall become effective upon receiving the affirmative vote of eight members of the County Council and upon the signature of the County Executive.

**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

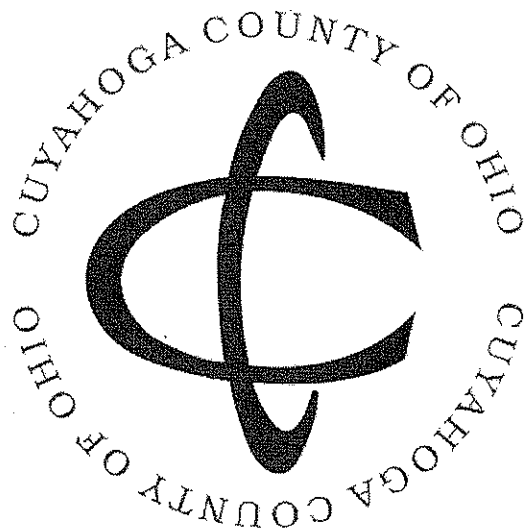
\_\_\_\_\_  
Clerk of Council      Date

First Reading/Referred to Committee: February 8, 2011

Committee Assigned: Rules, Charter Review, Ethics & Council Operations

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

# Cuyahoga County Ethics Ordinance



## Cuyahoga County Council

Rules, Charter Review, Ethics and Council Operations Committee

Dave Greenspan, Chair

Dale Miller, Vice Chair

C. Ellen Connally

Sunny Simon

Dan Brady

March 2011

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## ARTICLE I: PURPOSE AND OVERVIEW OF ORDINANCE

### *Section 1. Purpose*

This Ordinance, including the definitions are adopted to:

- (A) Identify the minimum standards of ethical conduct which Public Officials and Employees must meet;
- (B) Educate Public Officials and Employees, in the principles of ethics and all applicable provisions of this ordinance
- (C) Encourage Public Officials and Employees to pursue the highest ethical standards;
- (D) Provide a process by which Public Officials and Employees may identify and resolve ethical issues;
- (E) Provide a process to ensure the prompt disclosure by Public Officials and Employees of serious unethical practices, and encourage others to do the same;
- (F) Provide a fair and impartial process by which alleged violations of this Ordinance may be heard;
- (G) Provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this Ordinance; and
- (H) Establish penalties, as appropriate, for Public Officials and Employees who violate the public trust.

### *Section 2. Overview*

The Cuyahoga County Ethics Ordinance contains three components.

1. Articles II, III, IV and V are the Ohio Ethics Laws that pertain to County governments as outlined in the Ohio Revised Code.
2. Article VI includes Other Ohio Revised Code sections that are included in this Ordinance, and
3. Articles VII, VIII and IX contain additional county provisions which are consistent with and strengthen existing state law.

Together, these Articles constitute the minimum standards for ethical behavior for those who represent the County.

## ARTICLE II. THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE

### *Section 1. Definitions*

*OHIO REVISED CODE (ORC) 102.01*

As used in this chapter:

- (A) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.
- (B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Ohio Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.
- (C) "Public agency" means the county. "Public agency" does not include a department, division, institution, board, commission, authority, or other instrumentality of the county that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.
- (D) "Immediate family" means a spouse residing in the person's household and any dependent child.
- (E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.
- (F) section not applicable to county government
- (G) "Anything of value" has the same meaning as provided in section 1.03 of the Ohio Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Ohio Revised Code.
- (H) "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official's or employee's office or position of employment.
- (I) "Employer" means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.
- (J) section not applicable to county government
- (K) "Legislation," "legislative agent," "financial transaction," and "actively advocate" have the same meanings as in section 101.70 of the Ohio Revised Code.
- (L) "Expenditure" has the same meaning as in section 101.70 of the Ohio Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Ohio Revised Code when used in relation to activities of an executive agency lobbyist.

*Section 2. Misuse of Official Position*

*OHIO REVISED CODE (ORC) 102.03 (A)*

- (1) No present or former Public Official or Employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the Public Official or Employee personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.
- (2) This Ohio Revised Code (ORC) section not applicable to county government
- (3) For twenty-four months after the conclusion of employment or service, no former Public Official or Employee who personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Ohio Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Ohio Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the Public Official or Employee personally participated as a Public Official or Employee.
- (4) This Ohio Revised Code (ORC) section not applicable to county government
- (5) As used in the Ohio Revised Code (ORC) 102.03 (A)(1) and (3), "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in the Ohio Revised Code (ORC) 102.03 (A), "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.
- (6) Nothing contained in the Ohio Revised Code (ORC) 102.03 (A) shall prohibit, during such period, a former Public Official or Employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the Public Official or Employee was employed or on which the Public Official or Employee served.
- (7) The Ohio Revised Code (ORC) 102.03 (A) shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.
- (8) This Ohio Revised Code (ORC) section not applicable to county government

*Section 3. Misuse of Confidential Information*

*OHIO REVISED CODE (ORC) 102.03 (B)*

No present or former Public Official or Employee shall disclose or use, without appropriate authorization, any information acquired by the Public Official or Employee in the course of the Public Official's or Employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the Public Official or Employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

*Section 4. Rate Making*

*OHIO REVISED CODE (ORC) 102.03 (C)*

No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or ratemaking proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the Public Official or Employee or immediate family owns or controls more than five per cent. No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or rate-making proceeding that directly affects the license or rates of any person to whom the Public Official or Employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the Public Official or Employee or the Public Official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the Public Official or Employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Ohio Revised Code, or patients of persons certified under section 4731.14 of the Ohio Revised Code.

*Section 5. Securing "Anything of Value"*

*OHIO REVISED CODE (ORC) 102.03 (D)*

No Public Official or Employee shall use or authorize the use of the authority or influence of office or employment to secure "Anything of Value" or the promise or offer of "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

*Section 6. Soliciting "Anything of Value"*

*OHIO REVISED CODE (ORC) 102.03 (E)*

No Public Official or Employee shall solicit or accept "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

*Section 7. Receiving Gifts from Prohibited Sources*

*OHIO REVISED CODE (ORC) 102.03 (F)*

No person shall promise or give to a Public Official or Employee "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

*Section 8. Receiving Campaign Contributions*

*OHIO REVISED CODE (ORC) 102.03 (G)*

In the absence of bribery or another offense under the Ohio Revised Code (ORC) or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other Public Official or Employee who seeks elective office shall be considered to accrue ordinarily to the Public Official or Employee for the purposes in the Ohio Revised Code (ORC)(D), (E), and (F). As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Ohio Revised Code.

*Section 9. Receiving Honoraria*

*OHIO REVISED CODE (ORC) 102.03 (H)(1)*

No Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) shall solicit or accept, and no person shall give to that Public Official or Employee, an honorarium.

*Section 10. Receiving Travel, Meals and Lodging Expenses - Exemption*

*OHIO REVISED CODE (ORC) 102.03 (H)(I)*

(H)(1) No Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code shall solicit or accept, and no person shall give to that Public Official or Employee, an honorarium. Except as provided in the Ohio Revised Code (ORC) 102.03 (D), (E), and (F) do not prohibit a Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) from accepting and do not prohibit a person from giving to that Public Official or Employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the Public Official or Employee at a meeting at which the Public Official or Employee participates in a panel, seminar, or speaking engagement or provided to the Public Official or Employee at a meeting or convention of a national organization to which any county agency pays membership dues.

(2) This Ohio Revised Code (ORC) section not applicable to county government

- (I) A Public Official or Employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Ohio Revised Code.

*Section 11. Membership in Tax Exempt Organization - Exemption*

*OHIO REVISED CODE (ORC) 102.03 (J)*

For purposes of Ohio Revised Code (ORC) 102.03(D), (E), and (F) the membership of a Public Official or Employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the Public Official or Employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a Public Official or Employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a Public Official or Employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the Public Official or Employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

*OHIO REVISED CODE (ORC) 102.03 (K)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.03 (L)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.03 (M)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.031*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.04 (A)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.04 (B)*

This Ohio Revised Code (ORC) section not applicable to county government

*Section 12. Improper Compensation - Gratuities*

*OHIO REVISED CODE (ORC) 102.04 (C), (D)*

- (C) Except as provided in the Ohio Revised Code (ORC) 102.04(D), no person who is elected or appointed to an office of or employed by the county or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.
- (D) A Public Official who is appointed to a non-elective office of a public employee shall be exempted from the Ohio Revised Code (ORC) 102.04 (A), (B), or (C) if both of the following apply:
- (1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;
  - (2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the Public Official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such Public Official or Employee in any matter involving any Public Official or Employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

*Section 13. Failure to Recuse*

*OHIO REVISED CODE (ORC) 102.04 (E) and (F)*

- (E) No Public Official or Employee who files a statement or is required to file a statement under the Ohio Revised Code (ORC) 102.04 (D) shall knowingly fail to disqualify himself from any participation as a Public Official or Employee of the agency with which he serves in any matter involving any

official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

- (F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

See Article VII, Section 24 – Cuyahoga County Provisions for additional conditions.

OHIO REVISED CODE (ORC) 102.05

This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.06

This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.07

This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.08

This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.09 (A)

This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.09 (B)

This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.09 (C)

This Ohio Revised Code (ORC) section not applicable to county government

*Section 14. Acknowledgment of Copy of Law*

*OHIO REVISED CODE (ORC) 102.09(D)*

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

See Article VII, Section 3 – Cuyahoga County Provisions for additional conditions.

*Section 15. Penalties*

*OHIO REVISED CODE (ORC) 102.99*



(A) Whoever violates division (C) of section 102.031 of the Ohio Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 102.03 or 102.04 of the Ohio Revised Code is guilty of a misdemeanor of the first degree.

### ARTICLE III. THE OHIO ETHICS LAW: CHAPTER 2921 OF THE OHIO REVISED CODE

#### Section 1. Definitions

As used in this chapter:

(A) "Public Official" means any elected or appointed officer, or employee, or agent of the county, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.

(B) "Public Servant" means any of the following:

(1) Any Public Official;

(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;

(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

(C) section not applicable to county government

(D) section not applicable to county government

(E) section not applicable to county government

(F) section not applicable to county government

(G) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.

(H) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party," and "political contributing entity" have the same meanings as in section 3517.01 of the Ohio Revised Code.

(I) section not applicable to county government

### ARTICLE IV. THE OHIO ETHICS LAW: CHAPTER 2921.42 OF THE OHIO REVISED CODE

#### PROHIBITED CONDUCT – PUBLIC CONTRACTS

##### Section 1. Nepotism

OHIO REVISED CODE (ORC) 2921.42 (A)(1)

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure authorization of any public contract in which the Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest;

*Section 2. County Investments.*

*OHIO REVISED CODE (ORC) 2921.42 (A)(2)*

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the Public Official, a member of the Public Official's family, or any of the Public Official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

*Section 3. Subsequent Employment*

*OHIO REVISED CODE (ORC) 2921.42 (A)(3)*

No Public Official shall knowingly:

During the Public Official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the Public Official or by a legislative body, commission, or board of which the Public Official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

*Section 4. Profit or Gain from County Contracts*

*OHIO REVISED CODE (ORC) 2921.42 (A)(4)(5)*

No Public Official shall knowingly do any of the following:

- (4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the Public Official is connected;
- (5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

*Section 5. Exemptions from Prohibited Conflict of Interest in Public Contracts*

*OHIO REVISED CODE (ORC) 2921.42 (B)(C)(D)*

In the absence of bribery or a purpose to defraud, a Public Official, member of a Public Official's family, or any of a Public Official's business associates shall not be

considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

- (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
  - (2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;
  - (3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.
- (C) This section does not apply to a public contract in which a Public Official, member of a Public Official's family, or one of a Public Official's business associates has an interest, when all of the following apply:
- (1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;
  - (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the Public Official's becoming associated with the political subdivision or governmental agency or instrumentality involved;
  - (3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
  - (4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the Public Official, member of the Public Official's family, or business associate, and the Public Official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.
- (D) The Ohio Revised Code (ORC) 2921.42(A)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

*Section 6. Penalties*

*OHIO REVISED CODE (ORC) 2921.42 (E)*

Whoever violates the Ohio Revised Code (ORC) 2921.42 is guilty of having an unlawful interest in a public contract. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(1) or (2) is a felony of the fourth degree. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(3), (4), or (5) is a misdemeanor of the first degree.

*OHIO REVISED CODE (ORC) 2921.42 (F)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 2921.42 (G)*

This Ohio Revised Code (ORC) section not applicable to county government

*Section 7. Voiding of Tainted Contracts or Investments*

*OHIO REVISED CODE (ORC) 2921.42 (H)*

Any public contract in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of the Ohio Revised Code (ORC) 2921.42 is void and unenforceable.

(I) As used in this section:

(1) "Public contract" means any of the following:

- (a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;
- (b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Ohio Revised Code.

**ARTICLE V. THE OHIO ETHICS LAW; CHAPTER 2921.43 OF THE OHIO REVISED CODE**

**IMPROPER COMPENSATION**

*Section 1. Gratuities for Regular Duties and Internal Favors*

*OHIO REVISED CODE (ORC) 2921.43(A)*

No Public Servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a Public Servant, either of the following:

- (1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Ohio Revised Code (ORC) or other provisions of law, to perform the Public Servant's official duties, to perform any other act or service in the Public Servant's public capacity, for the general performance of the duties of the Public Servant's public office or public employment, or as a supplement to the Public Servant's public compensation;
- (2) Additional or greater fees or costs than are allowed by law to perform the Public Servant's official duties.

*Section 2. Gratuities for Employment Favors*

*OHIO REVISED CODE (ORC) 2921.43(B)*

No Public Servant for the Public Servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a Public Servant or party official, shall solicit or accept "Anything of Value" in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

*Section 3. Political Contributions made for Consideration*

*OHIO REVISED CODE (ORC) 2921.43(C)*

No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

*Section 4. Penalties*

*OHIO REVISED CODE (ORC) 2921.43(D)(E)*

- (D) Whoever violates the Ohio Revised Code (ORC) 2921.43 is guilty of soliciting improper compensation, a misdemeanor of the first degree.
- (E) A Public Servant who is convicted of a violation of the Ohio Revised Code (ORC) 2921.43 is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

*Section 5. Exemptions – Making or Receiving Voluntary Contributions*

*OHIO REVISED CODE (ORC) 2921.43(F)*

The Ohio Revised Code (ORC) 2921.43(A), (B), and (C) do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

**ARTICLE VI. OTHER OHIO REVISED CODE INCLUDED IN ORDINANCE**

*Section 1. Abuse of political authority or influence.*

*OHIO REVISED CODE (ORC) 124.61*

No person who holds any Public office, or who has been nominated for, or who seeks a nomination or appointment to any Public office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or another any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service. Nor shall any person, by means of threats or coercion, induce or seek to induce anyone in the classified service to resign his position or to waive his right to certification, appointment, or promotion.

*Section 2. Abuse of power for political reasons.*

*OHIO REVISED CODE (ORC) 124.60*

No Public Official, shall appoint, promote, reduce, suspend, lay off, discharge, or in any manner change the official rank or compensation of any officer or employee in the classified service, or promise or threaten to do so, or harass, discipline, or coerce any such officer or employee, for giving, withholding, or refusing to support any party.

*Section 3. Payment for appointment or promotion.*

*OHIO REVISED CODE (ORC) 124.59*

No applicant for appointment or promotion in the classified or unclassified service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person, upon the consideration of any political service to be rendered, for or on account of his appointment or promotion, or proposed appointment or promotion.

*Section 4: Gratuities for Performance of Regular Duties*

Enacts OHIO REVISED CODE (ORC) 102.04 (A)(B) for County purposes

- (A) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the County, excluding the courts.
- (B) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall sell or agree to sell, except through competitive bidding, any goods or services to the County, excluding the courts.

*Section 5. Prohibited Political Activity*

OHIO REVISED CODE (ORC) 124.57

- (A) No Public Official in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for Public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service of the state, the several counties, cities, or city school districts of the state, or the civil service townships of the state; nor shall any officer or employee in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state be an officer in any political organization or take part in politics other than to vote as the officer or employee pleases and to express freely political opinions.
- (B) (1) Nothing in division (A) of this section prohibits an officer or employee described in that division from serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (2) Nothing in division (A) of this section prohibits an employee of the Ohio cooperative extension service whose position is transferred from the unclassified civil service to the classified civil service and who also holds the office of president of a city legislative authority from completing the existing term of office as president.

Section 6. *Prohibited Political Activity*

OHIO ADMINISTRATIVE CODE - OAC123:1-46-02

- (A) The purpose of this rule is to provide appointing authorities, personnel officers, and others with guidelines concerning political activity. Employees in the classified service are prohibited by section 124.57 of the Ohio Revised Code from engaging in political activity.
- (1) "Classified service" means all persons in active pay status serving in the competitive classified civil service of the state, the counties, or the general health districts. Unless specifically exempted from the classified service in accordance with the Ohio Revised Code and these rules, an employee shall be considered to be in the classified service for purposes of this rule.
- (2) "Political activity" and "politics" refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- (B) The following are examples of permissible activities for employees in the classified service:
- (1) Registration and voting;
- (2) Expression of opinions, either oral or written;
- (3) Voluntary financial contributions to political candidates or organizations;

- (4) Circulation of nonpartisan petitions or petitions stating views on legislation;
  - (5) Attendance at political rallies;
  - (6) Signing nominating petitions in support of individuals;
  - (7) Display of political materials in the employee's home or on the employee's property;
  - (8) Wearing political badges or buttons, or the display of political stickers on private vehicles; and
  - (9) Serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (C) The following activities are prohibited to employees in the classified service:
- (1) Candidacy for Public office in a partisan election;
  - (2) Candidacy for Public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
  - (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
  - (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
  - (5) Service in an elected or appointed office in any partisan political organization;
  - (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
  - (7) Campaigning by writing for Publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
  - (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
  - (9) Solicitation of the sale, or actual sale, of political party tickets;
  - (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
  - (11) Service as, witness or challenger, for any party or partisan committee;
  - (12) Participation in political caucuses of a partisan nature; and
  - (13) Participation in a political action committee which supports partisan activity.
- (D) An employee in the classified service who engages in any of the activities listed in paragraphs (C)(1) to (C)(13) of this rule is subject to removal from his or her position in the classified service. The appointing authority may initiate such removal action in accordance with the procedures in section 124.34 of the Ohio Revised Code. The director may also institute an investigation or action in case of a violation.
- (E) Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.
- (F) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific

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constitutional or statutory bar exists prohibiting a person from serving both positions.

- (G) If any person holding Public office or employment is convicted of violating the Ohio Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.

*Section 7. Whistleblower*

*OHIO REVISED CODE (ORC) 124.341(A)*

*Rights*

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section 126.45 of the Ohio Revised Code.

See Article VII, Section 18- Cuyahoga County Provisions for additional conditions.

*Responsibilities*

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

See Article VII, Section 18- Cuyahoga County Provisions for additional conditions.

*OHIO REVISED CODE (ORC) 124.341(B)*

*Protections and Prohibitions*

Except as otherwise provided in division (C) of this section, no Public Official or Employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report authorized by division (A) of this section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;

- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

*OHIO REVISED CODE (ORC) 124.341(C)*

A Public Official or Employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The Public Official or Employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.

*OHIO REVISED CODE (ORC) 124.341(D)*

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Ohio Revised Code.

See Article VII, Section 19 – Cuyahoga County Provisions for additional conditions.

## ARTICLE VII: CUYAHOGA COUNTY PROVISIONS

*Section A: Definitions*

Administrative Fee

The civil penalty equivalent of a fine, levied by and payable to the Inspector General.

Advice

A written, expert judgment and recommendation by the Inspector General as to whether an issue raised poses ethical problems and how the issue may best be resolved. If the recipient acts in accordance with that advice, s/he is in compliance with the Code of Ethics.

"Anything of Value"

OHIO REVISED CODE (ORC) 1.03 - As used in any section of the Ohio Revised Code for the violation of which there is provided a penalty of forfeiture, unless the context otherwise requires, "Anything of Value" includes: a. Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money; B. Goods and chattels; C. Promissory notes,

bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money; D. Receipts given for the payment of money or other property; E. Rights in action; F. Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the servicing and taking away; G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interest, beneficial interests, leasehold interests, and any other interest in realty; H. Any promise or future employment; I. Every other thing of value.

Associated

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

Before

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

Benefit

1. "Anything of Value" having a cumulative monetary value in excess of \$75,000; 2. Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a Public Servant in the performance or nonperformance of an official action; or 3. Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the Public Servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the Public Servant in the performance or nonperformance of an official action.

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

Board

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

Business

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

Business Associate or Partner in Interest

A business associate includes any individuals, companies, or organizations with which the official is acting together to pursue

Business with which a Public Official or Employee is associated

a common business purpose. Examples of a Public Official's business associates include, but are not limited to, the official's: (1) partners in a partnership; (2) co-owners of a business; (3) outside employer; and (4) co-members of an LLC. Adv. Op. No. 2009-06.

Business with which a Public Official or Employee is associated or associated business means a business in which any of the following applies:

(1) The Public Official or Employee is an owner, partner, director, officer, employee or independent contractor in relation to the business;

(2) A Public Official, Employee's or partner in interest is an owner, partner, director or officer;

(3) The Public Official, Employee or a partner in interest is a stockholder of close corporation stock which is worth at least \$1,000.00 at fair market value or which represents more than a five percent equity interest;

(4) The Public Official, Employee or a partner in interest is a stockholder of publicly traded stock which is worth at least \$5,000.00 at fair market value or which represents more than five percent equity interest, other than publicly traded stock under a trading account if the Public Official or Employee reports the name and address of the stockholder;

Campaign Contribution

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

Candidate

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

Compensation

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

Conflict of Interest

Compensation also means "Anything of Value" that is given for services can be "compensation," whether it is in the form of cash, tangible goods or chattels, or other financial gains or benefits that accrue to the Public Servant. The services performed by the Public Servant may be provided for the specific benefit of the individual offering the compensation or for the general benefit of the public agency and the citizens served by the agency. Adv. Op. No. 2008-01.

Contractor

Means not only a personal interest, as defined in this ordinance, but also a professional or non-pecuniary interest, such as arises when the County attorney is precluded from representing one Public Servant because of the County attorney's preexisting attorney-client relationship with another Public Servant.

County Agency

A person or business – including but not limited to service providers, vendors, consultants and their subcontractors – that provides goods or services to the County under terms specified in a binding, officially approved agreement.

Means the County Council, any department, division, institution, board, commission, or advisory council, or other instrumentality of the county or any board, commission, or advisory council for

which the Cuyahoga County Executive and/or the Cuyahoga County Council appoints one or more of its members.

Day

A calendar day, unless otherwise noted

Decision Maker

Decision maker means any Public Official or Employee or Board, Commission or Advisory Agency of Cuyahoga County empowered to act in a discretionary manner on behalf of the County in any capacity whatsoever, including the making of recommendations. To the extent this ordinance is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a Public Official or Employee in the performance or nonperformance of an official action. In this ordinance, the term "decision maker" is used to represent any and every Public Official or Employee who could take any discretionary action regarding a matter in which a Public Official or Employee or a partner in interest has or may have a conflict of interest, or as a result of which a Public Official or Employee might receive a personal benefit.

Disclosure

The reporting of financial information, personal or business connections, gifts, activities, campaign contributions or potential conflicts of interest.

Domestic Partner

Any person who shares the same residence with a Public Official or Employee

Finding

The official decision reached by the Inspector General after thorough investigation or a formal hearing.

Full Family

A Public Official or Employee's spouse, domestic partner, child, children, grandchildren, parents, parents-in-law, grandparents, grandparents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, sons-in-law, daughters-in-law, nieces, nephews, aunts, uncles, or cousins (whether by marriage, lineal descent or adoption);

A Public Official or Employee's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the Public Official or Employee or from whom the Public Official or Employee receives, directly or indirectly, more than one-half of his or her support; and

Immediate Family

An individual claimed by the Public Official or Employee or the Public Official or Employee's spouse as a dependent under the United States Internal Revenue Code.

Gift

A Public Official's spouse, domestic partner, child or children. (whether by marriage, lineal descent or adoption)  
Gift means any benefit or thing or act of monetary value which is conveyed to or performed for the benefit of a Public Servant or a partner in interest, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is

Interest	<p>commensurate in value at least equal in value to the thing or act conferred or performed.</p> <p>A prohibited "interest" in a public contract is a definite and direct interest that can be of either a financial or fiduciary nature. Adv. Op. No. 2009-06.</p>
Lobbyist	<p>An individual wholly or partially compensated for direct, private communication with County policy-making officials or their staffs, with the purpose of influencing the expenditure of funds in the awarding of a contract or other financial arrangement; or for making direct, private contact with same to promote, advocate or oppose the passage, modification, defeat, approval or veto of any legislation or policy.</p>
Organization	<p>"organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986."</p>
Of such a character as to manifest a substantial and improper influence	<p>A thing of value is "of such a character as to manifest a substantial and improper influence" on a Public Official or Employee if it is "of such a quality, nature or kind that it could have a substantial and improper influence on the Public Official or Employee." Adv. Op. No. 2009-01. The Commission has explained that it is unnecessary that the thing of value actually has a substantial and improper influence on the official or employee provided that it is of such a character that it could have such influences.</p>
Person	<p>Includes "an individual, corporation, business trust, estate, trust, partnership, and association." R.C. 1.59. Also includes governmental agencies. Adv. Op. No. 2009-01.</p>
Personally rendering services	<p>Includes, but is not limited to, representing, advising, preparing non-ministerial documents for, or consulting with, any person. Adv. Op. No. 2007-03. Examples are: (1) negotiating or discussing matters with agency personnel or contractors; (2) appearing at an agency meeting or hearing; and (3) preparing pleadings or documents to be filed with or submitted to an agency. A person would be personally rendering services if he or she prepared and submitted, to a state agency, any grant or investment proposals, contract bid packages, responses to requests for proposals, or any other submission for financial support for a client or customer.</p>
Position of Profit	<p>": A Public Official occupies a "position of profit" in the prosecution of a public contract when he or she receives some financial gain or benefit that is definitely and directly related to the carrying out and completion of a contract that he or she authorized or that was authorized by a board of which he or she is a member. Adv. Op. No. 2009-05</p>
Prohibited Source	<p>A party that gives or promises an unlawful gift to any Public Official, specifically a party doing or seeking to do business with, regulated by, or interested in matters before the County, its departments, agencies, boards or commissions, including any lobbyist or contractor.</p>
Public Officials and Employees	<p>Any elected or appointed officer, or employee, or volunteer, or agent of the county, whether in a temporary or permanent capacity." The definition applies regardless of whether the person</p>

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Use Of or Authorization of the Use Of	is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position. The authority or influence of one's office or employment: Voting on, recommending, deliberating about, discussing, lobbying, or taking any other formal or informal action within the scope of a Public Official's or employee's public authority is "use of," or "authorization of the use of" the authority or influence of a Public Official's or employee's office or employment. Adv. Op. No. 2010-03.
Whistleblower	A person who reports possible crimes or violations of this Code of Ethics.

*Section 2. Full Family definition Included*

Throughout this Ordinance, where ever Family is referenced the definition of Full Family shall apply.

*Section 3 Acknowledgement of Copy of Law*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 102.09(D)*

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

The following added provisions pertain to Cuyahoga County

- (A) Shall also apply to all Public Officials and Employees upon their reappointment, reelection or rehire.

*Section 4. Education and Training - Initial and Annual Ethics Education and Training*

Within fifteen days of a Public Official's or Employee's initial date of service, reappointment, reelection or rehire and annually the Human Resource Commission shall furnish the Public Official or Employee with a copy of the current Cuyahoga County Ethics Ordinance, Ethics Policies, Ethics Manuals, and all Public Officials and Employees shall personally attend Ethics Training Programs and Classes. The Human Resource Commission may furnish such other materials as are appropriate.

*Section 5. Acknowledgment of Initial and Annual Ethics Education and Training*

The Public Official or Employee shall acknowledge their receipt of materials and attendance to all Programs and Classes in writing.

*Section 6. Relationship to Ohio Law*

Compliance with Ohio Ethics Laws

Public Officials and Employees are required to abide by the State of Ohio's ethics laws, as found in the Ohio Revised Code and as interpreted by the Ohio Ethics Commission and Ohio courts.

*Section 7. Minimum Standard*

This Ordinance shall constitute a minimum standard for ethical conduct and practices in Cuyahoga County government.. If the provisions of this Ordinance conflict with any other County Ordinance, regulation or rule, this Ordinance shall control.

*Section 8. Liberal Construction of Ordinance.*

The provisions of this Ordinance are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the County Charter.

*Section 9. Severability*

The various provisions of this Ordinance are intended to be severable, and the validity or invalidity of one or more such provisions shall not affect the validity of the remaining provisions.

*Section 10. Applicability of Ordinance*

This Ordinance applies to all Public Officials and Employees, as the term is defined in this Ordinance.

*Section 11. Duties of Public Official's and Employees to Cooperate with Investigations and Inquiries*

Public officials and Employees shall be required to cooperate fully and truthfully to any investigation that is initiated by the Inspector General, the Department of Human Resources, or the Human Resources Commission regarding an alleged or potential violation of this Ordinance to the extent that the fifth amendment of the United States Constitution is not violated. Public officials and Employees shall locate, compile and produce any such information as is requested by the investigating authority, unless the information is exempt from disclosure under this Ordinance or applicable law.

*Section 12. Misuse of County Resources*

No Public Official shall use, request, or permit the private use of county resources, including but not limited to motor vehicles, equipment and supplies. Printing, mailing



or electronic communicating of personal or political material using county resources is likewise prohibited.

*Section 13: Discrimination.*

No Public Official, operations or entities of Cuyahoga County Government shall favor or discriminate against anyone because of race, religion, age, ethnicity, gender, sexual orientation, disability or political affiliation, pursuant to U.S. Law [Civil Rights Act of 1964, 43 U.S.C. §2000e et. seq.] and the Cuyahoga County Charter.

*Section 14: Sexual Harassment.*

No Public Official shall harass or otherwise make unwelcome sexual advances that interfere with job performance, create a hostile work environment, or attempt to make a person's submission or rejection of sexual advances a condition of his/her employment or appointment status. [Section 703 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.]

*Section 15: Employee Contributions to an Elected Employer.*

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

*Section 16. Misuse of Official Position*

Prohibited conduct, and other abuses or misuses of position

- (A) Public Officials or Employees of the County shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the Public interest. Prohibited conduct of each such Public Official or Employee shall include, but not be limited to, the following:
- (1) Ordering any goods and services for the County without prior official authorization for such an expenditure;
  - (2) Using his or her superior position to request or require an employee to:
    - (i) Do clerical work on behalf of the Public Official or Employee's family, business, social, church or fraternal interest when such work is not furthering a County interest;
    - (ii) Perform any work outside the employee's normal course of County employment;
    - (iii) Purchase goods and services for personal, business, or political purposes; or
    - (iv) Work for him or her personally without offering just compensation;
  - (3) Drawing per diem or expense monies from the County to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the County.
- (B) No Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County, and no Public Official or

Employee shall falsely represent his or her personal opinion to be the official position of the County. This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office.

- (C) No Public Official or Employee shall suppress any Public document, record, report or any other Public information available to the general Public because it might tend to unfavorably affect their private financial, personal, or political interest.
- (D) When a Public Official or Employee, in the course of carrying out his or her duties, has been offered or is discussing future employment with a business that is presently dealing with the County concerning matters within the Public Official or Employee's current official duties, that person shall disclose such possible future employment to the Inspector General.
- (E) In addition to being a violation of other laws, it is also a violation of this Ordinance for any Public Official or Employees to:
  - (1) Be found liable of violating any federal, state, county or municipal law prohibiting discrimination or sexual harassment;
  - (2) Be found liable of violating any state laws governing lobbying activities or regulating political activity.

*Section 17. Whistleblower - Rights*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(A)*

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section 126.45 of the Ohio Revised Code.

The following added provisions pertain to Cuyahoga County

- A. Shall be extended to include the General Public.
- B. Shall also allow a Public Official, Employee or a Member of the General Public who reasonably believes that a violation or misuse of this Ordinance exists to speak freely to and to notify the County Inspector General either in writing or via a Whistleblower Hotline.

*Section 18. Whistleblower - Responsibilities*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(A)*

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

The following added provisions pertain to Cuyahoga County

- A. Within a reasonable period of time, all Public Officials or Employee shall report a violation of this Ordinance of which they have knowledge to the Inspector General – within 5 business days of the event in question.
- B. Public Officials and Employees are not, however, required to report a violation that has already been reported.

*Section 19. Whistleblower – Protections and Prohibitions*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(D)*

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Ohio Revised Code.

The following added provisions pertain to Cuyahoga County

- (A) Shall be heard by the Human Resource Commission

*Section 20. Whistleblower – False Filings and Frivolous Complaints*

- (A) No person shall knowingly file false information
- (B) No person shall file a complaint which is frivolous or malicious in nature, or which is not in good faith

*Section 21. Whistleblower – Posting of Policy*

The Human Resource Commission shall post the Whistleblower provisions of this Ordinance in a manner consistent with its current disclosure and posting of other human resource materials including but not limited to the County Website.

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

- (A) A Public Official or Employee who has or may have a conflict of interest in a matter which requires an official action by any decision maker shall, before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest. If the Inspector General believes that no conflict of interest exists, or that despite any alleged or potential special interest, such Public Official or Employee is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the Public interest, then the member shall so state in the written disclosure.
- (B) If the Public Official or Employee has or may have a conflict of interest in any matter of the County, then such Public Official or Employee shall not, discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member has a conflict of interest.
- (C) Any Public Official or Employee who has or may have a conflict of interest shall disclose it. After receiving a disclosure, the Inspector General shall:
  - (1) Maintain a record of such disclosure; and
  - (2) Promptly forward copies of the disclosure to any person named in the disclosure and the Inspector General.
- (D) Any Public Official or Employee who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General.
- (E) A Public Official or Employee, in addition to disqualifying her/himself from participation in any decision regarding the pecuniary or employment interest of a partner in interest, shall make known the existence of the relationship and the interest by filing with the Inspector General a written disclosure of the relationship and the nature and extent of the conflict of interest involved.

*Section 23: Penalties*

Any violations of this Ordinance shall be punishable to the maximum extent permitted by law. Any disciplinary action shall be carried out in accordance with the provisions of this Ordinance, as well as any other laws, policies and procedures applicable to the position of the offender and the gravity of the offense. The Inspector General is permitted to take any action which it is otherwise lawfully permitted to take, including, but not limited to, any one or combination of the following which the Inspector General deems appropriate under the circumstances:

- (A) *Letter of Notification.* The Inspector General may issue a letter of notification when it finds that a violation of this Ordinance was clearly unintentional or inadvertent. The letter may advise the Respondent of any steps to be taken to avoid future violations.

- (B) *Letter of Admonition.* The Inspector General may issue a letter of admonition when it finds that the violation of this Ordinance was minor and/or may have been unintentional or inadvertent.
- (C) *Letter of Censure.* The Inspector General may issue a letter of censure when it finds that the Respondent has intentionally or knowingly violated this Ordinance.
- (D) *Recommendations to the County Executive.* When the Inspector General finds that the Respondent has intentionally or knowingly violated this Ordinance, the Inspector General may make a recommendation to the County Executive or County Council (depending on the appointing authority), including but not limited to a recommendation for suspension, forfeiture of office or removal from office, and/or banning or temporarily suspending the Respondent's (or Respondent's associated businesses or organizations') right to solicit, bid on or obtain a contract with or from the County, as allowed by applicable law.
- (E) *Notice to the Ohio Ethics Commission.* When the Inspector General finds that a Public Official or Employee has intentionally or knowingly violated Ohio Provisions of this Ordinance, the Inspector General shall provide notice to the Ohio Ethics Commission so appropriate action can be taken.
- (F) *Referral to Additional Ethics Training.* Upon finding of violation of this Ordinance, the Inspector General may require that the Respondent undergo ethics training in addition to or in lieu of any other penalties imposed upon the Respondent.

*Section 24. Penalties Cumulative*

The penalties prescribed in this Ordinance shall be cumulative and not exclusive of each other or of any other penalties which may be imposed pursuant to any other laws or policies.

*Section 25. Secondary Employment.*

No Public Official or Employee of the County shall engage in secondary employment if that employment is incompatible with the proper discharge of official County duties or might impair objectivity or independent judgment on the job. This includes elective or appointed office in another jurisdiction or in a political party.

- (A) All Public Officials or Employees shall disclose secondary employment in writing to the Human Resources Department and to the Inspector General on an official form approved by the latter, updating this information whenever it changes.
- (B) Prior to accepting an additional job, such persons shall obtain official advice from the Inspector General, which must respond within (5) five business days of the request. The Inspector General in its discretion may limit the type of classifications of secondary employment that require disclosure and/or prior approval
- (C) In situations pre-dating the adoption of this Ordinance, the covered person shall seek official advice from the Inspector General, within sixty days of the effective date of this Code.

- (D) The employee's outside employment does not place the employee in violation of the County's Ordinance including, but not limited to, creation of a conflict of interests.
- (E) *Penalty* -- If the secondary employment is ruled a conflict of interest, the covered person shall either terminate that employment or face dismissal from County service, in compliance with existing personnel practices.

*Section 26. Boards, Commissions and Advisory Board Appointments*

No appointee to a Board, Commission or Advisory Board shall have one or more of the following conflicts of interest with the intended Board's objective and impartial operations:

- (A) Elected or appointed employment with the County during the 12 months immediately preceding the Board appointment;
- (B) One or more full family members or business associates serving on the same Board, Commission or Advisory Board; or
- (C) An interest in one or more contracts in effect with or under consideration by that Board, Commission or Advisory Board.

*Section 27. Duty to Recuse or Leave Meeting.*

- (A) To avoid the appearance of impropriety, after any Public Official or Employee is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the Public Official or Employee shall immediately leave the meeting room, except that if the matter is being considered at a Public meeting, the Public Official may remain in the area of the room occupied by the general Public.
- (B) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a consent agenda on which there is no deliberation, the Public Official's or Employees conflict has been disclosed, and the Public Official or Employee abstains from voting on the item.
- (C) The required statement shall contain the Public Official or Employee's name and home address, the name and mailing address of the Public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the Public Official's declaration that he disqualifies himself.

*Section 28: Employment of Relatives*

Relationship to another individual employed by the County will not constitute a bar to initial employment. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a relationship exists with another County employee.

To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a full family member is an applicant. In addition, an individual may not be assigned or accept employment in a department in which supervisory authority and/or

responsibility directly affecting that department is provided by a full family member of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit. An employee will not participate in decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence.

*Section 29: Additional Financial Disclosure Requirements*

Pursuant to and in addition to the Financial Disclosure Filing procedures in OHIO REVISED CODE (ORC) Section 102.02, all department heads and senior management level staff, including deputy directors shall file with the Ohio Ethics Commission and the Inspector General the disclosure statements described in OHIO REVISED CODE (ORC) Section 102.02 on a form prescribed by the Ohio Ethics Commission:

*Section 30: Financial Disclosure Statements and Campaign Finance Report Disclosure*

The Inspector General shall obtain from the Ohio Ethics Commission and the County Board of Elections the Financial Disclosure Statements and Campaign Finance Reports and any other reports publically available for all candidates for election or re-election to any county office as well as those required to file Financial Disclosure Statements listed in Article VIII, Section 1 of this Ordinance.

*Section 31. Financial Disclosure Statements Filed Before Taking Office*

- (A) No Head of any Department, Deputy Director, Chief of Staff or other member of the County Executive's and County Council senior management team shall take the oath of office or enter or continue upon his or her duties, nor shall that person receive compensation from the County, unless that person has filed a Financial Disclosure Statement with the Ohio Ethics Commission and the Inspector General.
- (B) Failure to comply with this section may result in referral to the Inspector General.

*Section 32: Lobbyist Registration and Reporting*

- (A) *Registry.* All lobbyists shall register with Inspector General. The Registry form shall include the entity for which the person is lobbying, the employer's name, type of business and current contact information. Registration shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement.* Lobbyist shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance.
- (C) *Applications.* All lobbyists shall file an application to the Inspector General every April 15 and October 15 containing the following:
  - 1. A current list of the contracts or policies they are trying to influence;

2. Campaign contributions to County elected officials, as permitted by U.S. and Ohio campaign finance law and this Ordinance.
- (D). *Penalties.* Lobbyist who fails to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in compliance. Lobbyist who is found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.
- (E). *Authorization:* No lobbyist shall engage in any lobbying activity until the registration process has been completed and approved by the Inspector General.
- (F). *Registration Date:* All lobbyists must register with the Inspector General for annually on or before December 31 for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at anytime during the calendar year for the year in which lobbying activity is to take place.
- (G) *Term:* All lobbyist term shall expire on December 31.
- (H) *Transparency –* The Inspector General shall make all registrations available for public inspection and shall publish an active Lobbyist Registration List on the County website.
- (I). *Application Fee:* \$100.00

*Section 33: Prohibited Activities by Lobbyists*

Lobbyists are prohibited from:

- (A) Paying for any food or beverages or “Anything of Value” for any Public Officials or Employees
- (B) Making campaign contributions for or on the behalf of any elected officials or candidates for public office.

*Section 34: Contractors Registration and Reporting*

- (A) *Registry.* All contractors doing or seeking to do business with the County must register with the Inspector General. The registration form shall include but not be limited to: corporate name, Federal Tax Identification Number, address, type of business and names of principals and contracts with the County during the past four years. Registration shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement.* Contractors shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance.
- (C) *First-time Awards.* Registration and the signed ethics statement shall be pre-conditions for the signing of any first-time contract with the County. Contractors must register with the Inspector General before they submit competitive bids.
- (D) *Penalties.* Contractors who fail to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in



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

- (E) *Authorization:* No Contractor shall engage in any contracting activity until the registration process has been completed and approved by the Inspector General.
- (F) *Registration Date:* All Contractors must register with the Inspector General for annually on or before December 31 for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at anytime during the calendar year for the year in which contracting activity is to take place.
- (G) *Term:* All Contractor term shall expire on December 31.
- (H) *Transparency –* The Inspector General shall make all registrations available for public inspection and shall publish an active Contractor Registration List on the County website.
- (I) *Application Fee:* \$100.00

*Section 35: Prohibited Activities by Contractors*

Contractors are prohibited from:

- (A) Paying for any food or beverages or “Anything of Value” for any Public Officials or Employees
- (B) Making campaign contributions for or on the behalf of any elected officials or candidates for public office.

**ARTICLE VIII. HUMAN RESOURCES COMMISSION**

*Section 1. Responsibility*

The Human Resource Commission shall be the ethics education and enforcement entity for the County.

**ARTICLE IX. INSPECTOR GENERAL**

*Section 1. Responsibility*

The Office of the Inspector General shall be the ethics investigative officer for the County and shall conduct all investigations pertaining to this ordinance.

COUNCIL OF CUYAHOGA COUNTY, OHIO

ORDINANCE NO. O2011-0012

SPONSORED BY: Councilpersons Dale Miller & David 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 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 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:

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## 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 bodies operating under the administration of the County Executive,
- (D) the Cuyahoga County Prosecuting Attorney,
- (E) all Boards, Commissions, and Advisory Councils to which the County Executive and/or the County Council appoint at least a majority of its members,
- (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: As used in Section 2.2, a "similar body" must be formally organized, be on-going, and be involved in making or advising on public policy decisions.

Section 2.4: "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. All records which meet this definition are public records, unless exempted under section 149.43 of the Ohio Revised Code.

Section 2.5: "Electronic record" includes 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.

### 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 public office is defined in Section 2.2 of this ordinance, over which the Cuyahoga County Council has legislative authority.

## **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 County Executive, who shall serve as chairperson, the President of County Council, the Prosecuting Attorney, the Fiscal Officer, and the Clerk of Court of Common Pleas.

### *Section 4.2: Appointment of Designees*

Each member of the County Records Commission shall appoint one designee, an employee of his/her office who is knowledgeable about the maintenance of public records, who shall attend meetings of the County Records Commission whenever the member is unable to do so.

### *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.

### *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*

The County Records Commission shall meet at the call of the chair as often as needed to respond to proposed records retention schedules and proposed one-time disposals of records, but shall meet a minimum of once every six (6) months.

### *Section 4.6: County Records Commission Action on Records Proposals*

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*

- A.) All electronic mail sent or received through the Cuyahoga County Information Services Center shall be the property of Cuyahoga County. The necessity to maintain electronic mail as public records shall depend on the content of the records, not on the medium in which it is kept. It shall be the responsibility of the public records managers and each individual user to insure that electronic mail is maintained in accordance with the records retention schedule for each office, and that records which must be kept for an extended length of time will not be placed in files where they will be automatically deleted.
- B.) Each person covered by this ordinance shall also insure that all public record electronic mail sent or received outside of the County Information Service Center system are maintained so that they are readily available for inspection and copying in accordance with the records retention schedule for each office.

### *Section 5.3: Designation of Countywide Public Records Manager*

The County Archivist is hereby designated as the Countywide Public Records Manager and shall do the following:

- A.) Manage the public records of Cuyahoga County to insure that they are organized so as to be readily available to the public for inspection and copying and are maintained and disposed of in accordance with the records retention schedules of the various offices within Cuyahoga County government.
- B.) Assist the public records managers of the various public offices in Cuyahoga County in implementing a sound and consistent countywide public records process in accordance with this ordinance.
- C.) Assist the public offices within the scope of this ordinance in preparing and updating public records retention schedules.

### *Section 5.4: Designation of Deputy Countywide Public Records Manager*

The County Executive shall designate one employee of the executive office staff as Deputy County Public Records Manager, who shall do the following:

- A.) Assist the Countywide Public Records Manager in the performance of his/her duties;
- B.) Maintain the public records request log provided for in Section 6.5 of this ordinance.
- C.) Work with each public office to determine what kinds of public records requests are received by that office that relate to personal or business matters, rather than governmental operations, and are not required to be included in the public records request log.
- D.) Provide a copy of Cuyahoga County's Public Records policy to each public records manager and obtain a written acknowledgement from each records manager that the policy was received,
- E.) Serve as the public records manager for the County Executive's office.

*Section 5.5: Designation of Public Records Managers*

- A.) Each public office shall 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.) For the following offices, the person designated as public records manager shall be an employee of the office who works at the principal place at which that office does business:
  - a. the County Executive, including all executive office staff
  - b. the County Council
  - c. the Law Department
  - d. the Sheriff
  - e. the Medical Examiner
  - f. the Clerk of Courts
  - g. the Department of Economic Development, which shall include the Office of Collaboration
  - h. the Information Officer
  - i. the Department of Public Works
  - j. the Department of Purchasing
  - k. the Department of Human Resources
  - l. the Fiscal Office
  - m. the Child Support Enforcement Agency
  - n. the Division of Children and Family Services
  - o. the Division of Employment and Family Services
  - p. the Division of Senior and Adult Services
  - q. the Director of Human Services, which shall include the Director's Office and all other offices in the Department of Human Services not covered by items twelve (12) through fifteen (15) above.
  - r. the Inspector General
- C.) Each office not listed in Subsection B of this section shall designate a public records manager who shall be one of the following:
  - a. an employee of that office or an officer of a Board, Commission, or Advisory Council,

- b. the Deputy County Public Records Manager, or
- c. an employee of Cuyahoga County, approved by the Deputy County Public Records Manager, who is the public records manager for another office with responsibilities related to those of the designating office.

*Section 5.6: Public Records Manager for County Council*

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

*Section 5.7: Records Retention Schedules*

Each public office shall have a records retention schedule in place, which shall specify, consistent with state law, the methods by which and the length of time that records shall be kept. For any office that has a records retention schedule in place at the time that this ordinance becomes effective, that records retention schedule shall remain in effect until it is amended according to the procedure set forth in Section 149.38 of the Ohio Revised Code. Each public office that does not have a records retention schedule in place at the time that this ordinance becomes effective shall propose a public records retention schedule to the County Records Commission, in accordance with the procedure set forth in Section 149.38 of the Ohio Revised Code, not later than June 30, 2011.

*Section 5.8: Interim Transient Records Retention Schedule*

Except to the extent that a different records retention schedule on transient communications is required for an office by state law, each public office that does not have a records retention schedule on transient communications in place at the time that this ordinance becomes effective shall use the transient records retention policy and schedule adopted by the County Commissioners on January 12, 2009, until such time as the office's records retention schedule on transient communications is updated, according to the procedure set forth in Section 149.38 of the Ohio Revised Code.

*Section 5.9: 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.) ( 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 5.10: 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.

## **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 Not Required*

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 a receipt acknowledging and describing the public records request and may provide an estimate as to when a response can be provided.

*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.

#### *Section 6.5: Public Records Request Log*

Each office shall maintain a log of all public records requests received that relate to governmental operations and shall forward a copy of the log at the end of each week to the Deputy Countywide Records Manager, who shall maintain a countywide public records log. Each office shall, with the approval of the Deputy Countywide Public Records Manager, determine what kinds of public records requests received by that office relate to personal or business matters, rather than governmental operations; and these requests shall not be required to be included in the log. For each public records request required to be included in the public records request log, the following information shall be provided:

- (A) the office that received the request
- (B) the date that the request was received,
- (C) the name of the requestor, if known
- (D) a brief description of what records were requested,
- (E) the date that response to the request was completed,
- (F) a brief description of any denials or redactions required.

## **Chapter 7: Costs of Public Records**

#### *Section 7.1: County Council to Determine Copy Costs for Public Records*

Persons requesting copies of public records shall be required to pay for the cost of making copies, at a rate not to exceed the actual cost of making copies. Payment in advance may be required.

Starting in calendar year 2011, the County Council shall biannually determine and establish the copying costs for public records.

#### *Section 7.2: Interim Copy Costs for Public Records*

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.) 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.
- D.) There shall be no charge for copies provided by email.

E.) Each public office shall have the discretion to waive copying costs of ten dollars (\$10.00) or less when it determines that it is practical and cost-effective to do so, provided that the public office follows a consistent policy on waiver of copying fees for all requestors.

## **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

## Resolution No. R2011-0086

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> approving plans for reconstruction of Ridge Road from Interstate 480 to Memphis Road in the City of Brooklyn; ordering that surveys, plans, profiles, cross-sections, right of way plans and plat for the project be filed in the Office of the Clerk of Council; setting the date and time of a public hearing, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Public Works has prepared and submitted surveys, plans, profiles, cross-sections, right-of-way plans and plat for the reconstruction of Ridge Road from Interstate 480 to Memphis Road in the City of Brooklyn and has recommended their approval; 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 the County Executive or his designee cause said surveys, plans, profiles, cross-sections, right-of-way plans and plat to be filed and made available for public inspection at the Clerk of Council, 4<sup>th</sup> Fl., County Administration Building, 1219 Ontario Street, Cleveland, Ohio 44113.

**SECTION 2.** That a meeting of this Council shall be held at the Chambers of the Council of Cuyahoga County, Ohio on the 12<sup>th</sup> day of April, 2011 at 6:30 p.m., local time, for the purpose of hearing objections to said improvement.

**SECTION 3.** That the Clerk of Council be, and she is, hereby directed to advertise in a newspaper of general circulation throughout the County, once a week, for two consecutive weeks, notice that the Department of Public Works has prepared surveys, plans, profiles, cross-sections, right-of-way plans and plat and that same are on file with the Clerk of Council for the inspection of persons interested therein and also that the County Council will hear objections to said improvement at the time fixe for hearing the same.

**SECTION 4.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution

receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 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  
March 8, 2011



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Jamal Husani, P.E.
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Fred Whatley	<b>Telephone No.</b>	348-3840
<b>SUMMARY OF REQUESTED ACTION:</b>			
The county Engineer, submitting plans for the reconstruction of Ridge Road from Interstate 480 to Memphis Road in the City of Brooklyn; requesting that the Clerk of Council set the date and time for the public hearing; requesting that the hearing be advertised in the Plain Dealer and the date and time are set; and, declaring the necessity that the Resolution become immediately effective.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
Approval of surveys, plans, profiles, cross sections, right-of-way plans and plat.			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

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

**Financial Information:**

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

**ATTACHMENTS:**

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# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0087

Sponsored by: <b>County Executive FitzGerald/Office of Budget &amp; Management</b>	<b>A Resolution</b> amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on October 28, 2010, the former governing body of Cuyahoga County adopted the 2011 Annual Appropriation Measure establishing the 2011 annual budgets for all County departments, offices and agencies;

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

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

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

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

<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
A. 20A802 - Justice Affairs-Office of ReEntry JA107193 – Justice Affairs-Office of ReEntry Other Expenses \$ (1,293,572.09)	<b>BA1100261</b>

Funding Source: Health and Human Services Levy Fund



- B. 24A878 - HHS-Office of ReEntry **BA1100262**  
 HS749069 – HHS-Office of ReEntry  
 Other Expenses \$ 1,293,572.09  
 Funding Source: Health and Human Services Levy Fund
- C. 20A809 - Witness Victim HHS (Justice Affairs) **BA1100263**  
 JA107425 – Witness Victim HHS (Justice Affairs)  
 Other Expenses \$ (62,776.97)  
 Funding Source: Health and Human Services Levy Fund
- D. 20A808 - Children Who Witness Violence **BA1100264**  
 JA107417 – Children Who Witness Violence (Justice Affairs)  
 Other Expenses \$ (102,895.69)  
 Funding Source: Health and Human Services Levy Fund
- E. 20A824 - Family Justice Center **BA1100265**  
 JA107441 – Family Justice Center (Justice Affairs)  
 Other Expenses \$ 165,672.66  
 Funding Source: Health and Human Services Levy Fund
- F. 21A525 - VAWA Block Grant **BA1100284**  
 JA752915 – FY2010 VAWA Block Grant CY2011  
 Other Expenses \$ 509,170.63  
 Funding Source: United States Department of Justice, Office on Violence Against Women.
- G. 21A579 - VAWA Administration Grant **BA1100285**  
 JA752907 – FY2010 VAWA Administration Fund CY2011  
 Personal Services \$ 15,185.91  
 Other Expenses \$ 5,672.00  
 Funding Source: United States Department of Justice, Office on Violence Against Women
- H. 21A762 - Port Security Grant **BA1100286**  
 JA767905 – Port Security Grant FFY10-2010/2013  
 Personal Services \$ 49,650.00  
 Other Expenses \$ 953,503.00  
 Funding Source: United States Department of Homeland Security, Federal Emergency Management Agency
- I. 21A882 - Professional Continuing Education-Paul Coverdell Grant **BA1100287**  
 CR752923 – 10/11 Professional Continuing Education-Paul Coverdell Grant  
 Other Expenses \$ 102,419.17

Funding Source: United States Department of Justice, Office of Justice Programs, National Institute of Justice in accordance with provisions of the Paul Coverdell National Forensic Sciences Improvement Act

J. 21A838 - JAG Asst Justice 05 **BA1100291**  
 JA755694 – JAG Assistance Justice FY2009-2013  
 Other Expenses \$ 350,000.00

Funding Source: An agreement with the City of Cleveland from United States, Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program

K. 21A038 - Child Sexual Predator Grant Program **BA1100292**  
 SH350710 – FFY2010 Child Sexual Predator Program  
 Other Expenses \$ 173,362.00  
 Capital Outlays \$ 166,088.00

Funding Source: United States Department of Justice, Community Oriented Policing Services (COPS)

L. 21A864 - Safe Havens: Visitation & Exchange Program **BA1100295**  
 JA767111 – Safe Havens: Visitation & Exchange Program  
 Other Expenses \$ (10,691.27)

Funding Source: Ohio Department of Public Safety, Office of Criminal Justice Services

M. 20A720 - Urinalysis Testing **BA1100272**  
 CO446070 – Urinalysis Testing Fees  
 Other Expenses \$ 85,000.00

Funding Source: Urinalysis testing fees charged to agencies and individuals for testing performed.

N. 22A371 - Shelter + Care '09-SRA (6YR) **BA1100258**  
 HS752801 – Shelter + Care '09-SRA  
 Other Expenses \$ 1,325,520.00

Funding Source: United States Department of Housing & Urban Development

O. 21A012 Treu-Mart Fund -IIC Home Visitation Program **BA1100294**  
 EC720839 - Treu-Mart Fund -IIC Home Visitation Program  
 Other Expenses \$ 50,000.00

Funding Source: Treu-Mart Fund

P. 21A846 - Foreclosure Prevention **BA1100270**  
 TR762997 – Treasurer Foreclosure Prevention  
 Personal Services \$ 18,921.50  
 Other Expenses \$ 29,296.64

Funding Source: From grants and private foundations for foreclosure prevention.

Q. 21A875 - CCCMHB – Behavioral Mental Health **BA1100288**  
JC752626 – 10/11 Behavioral Mental Health – Juvenile Justice  
Other Expenses \$ 35,000.00

Funding Source: Cuyahoga County Alcohol Drug Addiction & Mental Health Services.

R. 20A800 - Operation and Maintenance Subsidy Of Det. Facility **BA1100289**  
JC372300 – Subsidy – Oper. and Maint. Of Det. Facility  
Other Expenses \$ (13,889.00)

Funding Source: From child support payments for youth committed to the former Youth Development Center.

S. 20A585 - Legal Computerization **BA1100289**  
JC514919 – Legal Computerization  
Other Expenses \$ (19,540.00)

Funding Source: Supported by a fee for each cause of action or appeal and on the filing, docketing, and endorsing or each certificate of judgment charged

T. 20A635 - Title IV-E – Juv. Court **BA1100290**  
JC517318 – Title IV-E – Juvenile Court  
Other Expenses \$ 350,000.00

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

U. 20A334 - Juv. Court – Alt. Dispute Resolution **BA1100293**  
JC510925 – Juv. Ct. – Alt. Dispute Resolution  
Other Expenses \$ (200,000.00)

Funding Source: Supported by a fee assessed on the filing of each cause of action or appeal and on the filing, docketing, and endorsing or each certificate of judgment charged

VI. 22S274 - Home Weatherization Assistance Program (HWAP) **BA1100151**  
American Recovery and Reinvestment Act (ARRA) 2009-2010  
DV725218 – HWAP ARRA Dept. of Energy Support 2009-2010  
Other Expenses \$ 574.25

V2. 22S274 - Home Weatherization Assistance Program (HWAP) **BA1100297**  
American Recovery and Reinvestment Act (ARRA) 2009-2010  
DV725200 – HWAP ARRA Dept. of Energy Support 2009-2010  
Other Expenses \$ 1,400.00

V3. 22S274 - Home Weatherization Assistance Program (HWAP) **BA1100153**  
 American Recovery and Reinvestment Act (ARRA) 2009-2010  
 DV725192 – HWAP ARRA Dept. of Energy Admin 2009-2010  
 Personal Services \$ 411.99

Funding Source: From landlord deposits for furnace and hot water tank replacements. Contributions are provided from utility companies that leverage grant funding via the American Reinvestment and Recovery Act (ARRA) from U.S. Department of Energy dollars passed through the Cleveland Housing Network.

W. 22A719 - Home 2010 **BA1100152**  
 DV713438 – HOME Project Plan Fiscal Year 2010  
 Other Expenses \$ 69,000.00

Funding Source: Department of Housing and Urban Development

X. 40A069 - Capital Projects Fund **BA1100296**  
 CC767897 – Elevator Upgrade Board of Elections  
 Capital Outlay \$ 750,000.00

Funding Source: Bonds expected to be later issued by the County for the project.

Y. 22A063 - SHP '08 - SA Pass Transitional **BA1100257**  
 HS752899 - SHP '09 SA Pass Transitional  
 Other Expenses \$ 537,741.00

Funding Source: United States Department of Housing & Urban Development

Z. 40A069 - Capital Projects Fund **BA110310**  
 CC767699 – Juvenile Justice Complex Phase II  
 Capital Outlay \$ 1,669,041.00

Funding Source: Funding is from a future bond issuance.

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

	<u>Fund Nos. /Budget Accounts</u>	<u>Journal Nos.</u>
A.	FROM:	
	01A001 – General Fund	<b>BA1100241</b>
	PR194720-Prosecutor-Children & Family Services	
	Personal Services \$ 2,215.00	
	TO:	
	01A001 – General Fund	
	PR194720-Prosecutor-Children & Family Services	
	Other Expenses \$ 2,215.00	

Funding Source: General Fund

B. FROM: 21A418 – TASC Drug Court **BA1100266**  
JA751859-FY2009 TASC Drug Court  
Personal Services \$ 4,589.03

TO: 21A418 – TASC Drug Court  
PR751859-FY2009 TASC Drug Court  
Other Expenses \$ 4,589.03

Funding Source: Ohio Department of Alcohol and Drug  
Addiction Services

C. FROM: 21A311 – TASC **BA1100267**  
JA751842-TASC FY2009  
Personal Services \$ 61,108.74

TO: 21A311 – TASC  
JA751842-TASC FY2009  
Other Expenses \$ 61,108.74

Funding Source: Ohio Department of Alcohol and Drug  
Addiction Services

D. FROM: 01A001 – General Fund **BA1100275**  
JA302224-Public Safety Grants Administration (Justice Affairs)  
Other Expenses \$ 5,214.48

TO: 01A001 – General Fund  
JA301325-Justice Affairs-Criminal Justice Administration  
Other Expenses \$ 5,214.48

Funding Source: General Fund

E. FROM: 01A001 – General Fund **BA1100276**  
JA302224-Public Safety Grants Administration (Justice Affairs)  
Other Expenses \$ 1,000.00

TO: 01A001 – General Fund  
JA302224-Public Safety Grants Administration (Justice Affairs)  
Capital Outlays \$ 1,000.00

Funding Source: General Fund

F. FROM: 20A264 – County Law Library Resource Board **BA1100256**  
LL440008 – County Law Library Resource Board  
Other Operating \$ 3,300.00

TO: 20A264 – County Law Library Resource Board  
LL440008 – County Law Library Resource Board  
Personal Services \$ 3,300.00

Funding Source: Supported by fines and fees assessed in accordance with the Ohio Revised Code and operates within its own resources

G. FROM: 01A001 – General Fund **BA1100268**  
 BE474601 – Charter Election  
 Personal Services \$ 720,552.00

TO: 01A001 – General Fund  
 BE472050 – Primary Election  
 Personal Services \$ 596,833.00

01A001 – General Fund  
 BE473058 – General Election  
 Personal Services \$ 123,719.00

Funding Source: General Fund.

H. FROM: 01A001 – General Fund **BA1100271**  
 CC012831 – Transition Advisory Group  
 Other Expenses \$ 25,995.00  
 Capital \$ 13,000.00

TO: 01A001 – General Fund  
 EX016006 – County Executive  
 Capital \$ 26,495.00

TO: 01A001 – General Fund  
 CN017004 – County Council  
 Capital \$ 12,500.00

Funding Source: General Fund dollars

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

	<u>Fund Nos. /Budget Accounts</u>	<u>Journal Nos.</u>
A. FROM:	21A453 – Felony Coordinator Project JA752287 – Felony Coordinator FY2010 Transfer Out \$ 849.44	<b>JR1101847</b>
TO:	20A824 – Family Justice Center JA107441 – Family Justice Center Revenue Transfer \$ 849.44	

Funding Source: Ohio Attorney General's Office, Victims of Crime Act

B. FROM: 01A001 – General Fund **JT1100003**  
JA301325 – Justice Affairs-Criminal Justice Administration  
Transfer Out \$ 5,214.48

TO: 21A579 – VAWA Administration Grant  
JA752907 – FY2010 VAWA Administration Fund CY2011  
Revenue Transfer \$ 5,214.48

Funding Source: General Fund

FROM: 26A650 – \$5.00 Road Capital Improvements **JT1100004**  
CE418053 – County Engineer - \$5.00 License Tax Fund  
Transfer Out \$ 967,588.00

TO: 40A526 – Ohio Department of Transportation (ODOT) - Local  
Projects Administration (LPA)  
CE785006 – ODOT - LPA  
Revenue Transfer \$ 967,588.00

Funding Source: Fees on motor vehicle licenses.

**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  
March 8, 2011



March 1, 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 March 8, 2011.

**Additional Appropriation Summary** – Additional appropriations are needed when there is a new or increased revenue source, or a revision to the original budget appropriation that is required to cover expenses that exceed the original estimate.

A reduction in appropriation is requested in conjunction with the close out of a program, grant, project or decertification of an encumbrance.

General Fund/Health & Human Services	Other Funds
Justice Affairs – An appropriation decrease from the Office of Re-Entry from contracts which were decertified, and an appropriation increase to Health & Human Services Office of Re-Entry. This action will complete the transfer of all activity from the Department of Justice Affairs to the Executive Office of Health and Human Services. Funding is from the Health & Human Services Levy Fund. (\$1,293,572.09)	\$0.00
Justice Affairs – Decreasing appropriation in Witness Victim Health & Human Services (\$62,776.97) and Children Who Witness Violence (\$102,895.69) from contracts which were decertified and an additional appropriation to the Family Justice Center. These actions will complete the transfer of all activity from Witness Victim HHS and Children Who Witness Violence to the Family Justice Center program. Funding is from the Health & Human Services Levy Fund.	\$0.00
<b>Total</b>	<b>\$0.00</b>

Other Operating Funds	
Common Pleas – To cover anticipated expenses for urinalysis testing. Funding is from Urinalysis testing fees charged to agencies and individuals.	\$85,000.00
Juvenile Court – Decreasing appropriations due to contracts being decertified. Funding for the contracts was from child support payments for youth committed to the former Youth Development Center.	-\$13,889.00
Juvenile Court – Decreasing appropriation for unused dollars which are not needed in the Legal Computerization account. Funding is from filing fees.	-\$19,540.00
Juvenile Court – Decreasing appropriation due to unused funds for contracted services. Funding is from case filing fees.	-\$200,000.00
<b>Total</b>	<b>(\$148,429.00)</b>

Grants/Projects	
Justice Affairs – To appropriate the FY2010 Violence Against Women Act (VAWA) Block Grant from the U.S. Department of Justice, Office on Violence Against Women. Grant Period is from January 1, 2011 through December 31, 2011.	\$509,170.63
Justice Affairs – To appropriate the FY2010 Violence Against Women Act (VAWA) Administration Grant from the U.S. Department of Justice, Office on Violence Against Women. Grant Period is from January 1, 2011 through	\$20,857.91

December 31, 2011.	
Justice Affairs – To appropriate the FY2010 Port Security Grant from the U.S. Department of Homeland Security, Federal Emergency Management Agency. Grant Period is from June 1, 2010 through May 31, 2013.	\$1,003,153.00
Coroner – To appropriate the FY2010 Paul Coverdell Forensic Science Improvement Grant from the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. Grant period is from October 1, 2010 through September 30, 2011.	\$102,419.17
Justice Affairs – To appropriate the FY2010 Justice Assistance Grant from the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant Program. Grant period is from October 1, 2009 through September 30, 2013.	\$350,000.00
Sheriff – To appropriate the Child Sexual Predator Grant Program award from the U.S. Department of Justice, Community Oriented Policing Services. Grant period is from September 1, 2010 through August 31, 2012.	\$339,450.00
Justice Affairs – Decrease in appropriation to close-out the Safe Havens Visitation & Exchange Program grant from the Ohio Department of Public Safety, Office of Criminal Justice Services.	-\$10,691.27
Office of Homeless Services – To appropriate the FY2009 Continuum of Care for Homeless Assistance Program grant from the U.S. Department of Housing and Urban Development.	\$1,325,520.00
Early Childhood – To appropriate the Treu Mart award for the Hospital Based Child Find Specialists program. Grant period is from January 1, 2011 through December 31, 2011.	\$50,000.00
Treasurer – To provide additional appropriation for the Foreclosure Prevention Program. Funding is from grants and private foundations.	\$48,218.14
Juvenile Court – To appropriate an increase in the award for the Behavioral Mental Health grant from the Alcohol, Drug Addiction and Mental Health Services Board.	\$35,000.00
Juvenile Court – To provide funding for Shelter Care and the Court's Computerized Case Management System. Funding is from the U.S. Department of Health and Human Services.	\$350,000.00
Development – To appropriate additional grant dollars received for the HOME Project Plan from the Department of Housing and Urban Development.	\$69,000.00
Development – To cover expenses incurred for the 2009 – 2010 Home Weatherization Assistance Program. Funding is from deposits from landlord for furnace and hot water tank replacements as well as contributions.	\$2,386.24
Capital Projects Fund – To cover critical upgrades to the elevators at the Board of Elections. Funding is from a future debt issuance planned for 2012.	\$750,000.00
Human Services – Office of Homeless Services – To appropriate the FY2009 Continuum of Care for Homeless Assistance Program grant from the U.S. Department of Housing and Urban Development.	\$537,741.00
Capital Projects – Additional appropriation needed to complete the new Juvenile Justice Center Complex. This includes the purchase of new computer equipment, data servers, and installation costs. Funding for this project is from a future debt issuance.	\$1,669,041.00
<b>TOTAL</b>	<b>\$7,151,265.82</b>

<b>Total Additional Appropriations - All Funds</b>	<b>\$7,002,836.82</b>
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The following represents the overall changes made to the 2011 Annual Appropriation Measure since its adoption on October 28, 2010. The changes reflect the Additional Appropriations, Appropriation Transfers and Cash Transfers to the original adopted appropriation measure.

**TOTAL CHANGE IN**

**ORIGINAL APPROPRIATION:**

	<u>03/08 Agenda</u>	<u>Year to Date</u>	<u>Adjusted Annual Appropriation</u>
General Fund	\$ 0.00	\$ 409,008.12	\$ 305,341,160.12
Other Fund	\$ <u>7,002,836.82</u>	\$ <u>10,705,504.50</u>	\$ <u>1,430,095,233.50</u>
Total	\$ 7,002,836.82	\$ 21,114,512.62	\$ 1,735,436,393.62

**Appropriation Transfer Summary** – is a transfer of appropriation between budget accounts or between different expenditure categories within budget accounts.

General Fund/Health & Human Services	
Prosecutor – An appropriation transfer from Personal Services to cover a contract for legal research services. Funding is from the General Fund.	\$2,215.00
Justice Affairs – An appropriation transfer from Personal Services to provide a cash match for the FY2010 Violence Against Women Act grant. Funding is from the General Fund	\$5,214.48
Justice Affairs – An appropriation transfer from Other Expenses to cover the purchase of computer development system for the Public Safety Grants Administration account. Funding is from the General Fund.	\$1,000.00
Board of Elections – Realigning appropriation from the Charter Election index code to the Primary and General Election index codes to cover projected expenses for various elections throughout the year. Funding is from the General Fund.	\$720,552.00
Transition Advisory Group – Realigning appropriation from the Transition Advisory index code to the County Executive and County Council to cover the purchase of computer equipment.	\$38,995.00
<b>TOTAL</b>	<b>\$767,976.48</b>

Other Operating Funds	
County Law Library Resource Board – Realignment to cover shortfall in personal services due to a vote against requiring staff to take unpaid leave (furlough). Funding is from fines and fees.	\$3,300.00
<b>TOTAL</b>	<b>\$3,300.00</b>

Grants/Projects	
Justice Affairs – Realigning appropriations from Personal Services to Other Expenses in the Treatment Alternatives to Street Crimes Drug Court account to prepare for grant closure. Funding is from the Ohio Department of Alcohol and Drug Addiction Services.	4,589.03
Justice Affairs – Realigning appropriations from Personal Services to Other Expenses in the Treatment Alternatives to Street Crimes account to prepare for grant closure. Funding is from the Ohio Department of Alcohol and Drug Addiction Services.	\$61,108.74
<b>TOTAL</b>	<b>\$65,697.77</b>

<b>Total Appropriation Transfers - All Funds</b>	<b>\$836,974.25</b>
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**Cash Transfer Summary** – Operating transfers support operating expenditures, related to a cash matches for a grants, transfer of taxes or fees to a debt service fund, transfers from the General Fund to a capital project fund or operating subsidies to special revenue funds, enterprise funds, or internal service funds. This type of transaction posts as an expenditure and sufficient appropriation must be available to process the transaction.

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

General Fund/Health & Human Services	
Justice Affairs – An Operating Transfer to provide a cash match for the Violence Against Women grant. Funding is from the General Fund.	\$5,214.48
<b>Total</b>	<b>\$5,214.48</b>

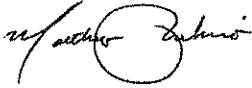
Grants/Projects	
Justice Affairs – To transfer residual equity (cash) from FY2010 Felony Coordinator grant to the Family Justice Center to return an unused cash match and close out the Felony Coordinator grant. Funding is from the Ohio Attorney General's Office, Victim of Crime Act.	\$849.44
Engineer – An Operating Transfer from the \$5.00 Fund to the Ohio Department of Transportation –Local Projects Administration account to begin work on the Sprague Road project in Parma and North Royalton. Funding is from fees on motor vehicle licenses.	\$967,588.00
<b>TOTAL</b>	<b>\$968,437.44</b>

<b>Total Cash Transfers - All Funds</b>	<b>973,651.92</b>
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If you have any questions, feel free to contact me.

Thank you for your consideration regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Rubino". The signature is written in a cursive style with a large, circular flourish at the end.

Matthew Rubino  
Office of Budget & Management

## MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council  
FROM: Matthew Rubino, Office of Budget & Management  
DATE: March 1, 2011  
RE: Agenda Items

REVISED: March 3, 2011

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 March 8, 2011. The fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

### **Resolution: Additional Appropriations**

A. 20A802 Justice Affairs-Office of ReEntry **BA1100261**  
JA107193 – Justice Affairs-Office of ReEntry  
Other Expenses \$ (1,293,572.09)

To decrease appropriations in Justice Affairs-Office of ReEntry for the balance of contracts that were decertified in Justice Affairs and recertified in HHS-Office of ReEntry. This action completes the transfer of all activity from Justice Affairs-Office of ReEntry to the executive office of Health and Human Services. There is a corresponding increase (document BA1100262, item B) in HHS-Office of ReEntry. Funding is from the Health and Human Services Levy Fund covering the period January 1, 2011 through December 31, 2011.

B. 24A878 HHS-Office of ReEntry **BA1100262**  
HS749069 – HHS-Office of ReEntry  
Other Expenses \$ 1,293,572.09

To increase appropriations in HHS-Office of ReEntry for the balance of contracts that were decertified in Justice Affairs and recertified in HHS-Office of ReEntry. This action completes the transfer of all activity from Justice Affairs-Office of ReEntry to the executive office of Health and Human Services. There is a corresponding decrease (document BA1100261, item A) in Justice Affairs-Office of ReEntry. Funding is from the Health and Human Services Levy Fund covering the period January 1, 2011 through December 31, 2011.

C. 20A809 Witness Victim HHS (Justice Affairs) **BA1100263**  
JA107425 – Witness Victim HHS (Justice Affairs)  
Other Expenses \$ (62,776.97)

To decrease appropriations in Justice Affairs-Witness Victim HHS account for the balance of contracts that were decertified in Justice Affairs and recertified in Family Justice Center within Justice Affairs. This action completes the transfer of all activity from Witness Victim HHS to the Family Justice Center account. There is a corresponding increase (document BA1100265, item E) in Family

Justice Center account. Funding is from the Health and Human Services Levy Fund covering the period January 1, 2011 through December 31, 2011.

D.	20A808	Children Who Witness Violence (Justice Affairs)	<b>BA1100264</b>
		JA107417 – Children Who Witness Violence (Justice Affairs)	
		Other Expenses	\$ (102,895.69)

To decrease appropriations in Justice Affairs-Children Who Witness Victim account for the balance of contracts that were decertified in Justice Affairs and recertified in Family Justice Center within Justice Affairs. This action completes the transfer of all activity from Children Who Witness Violence to the Family Justice Center account. There is a corresponding increase (document BA1100265, item C) in Family Justice Center account. Funding is from the Health and Human Services Levy Fund covering the period January 1, 2011 through December 31, 2011.

E.	20A824	Family Justice Center	<b>BA1100265</b>
		JA107441 – Family Justice Center (Justice Affairs)	
		Other Expenses	\$ 165,672.66

The increase in appropriations in the Family Justice Center within Justice Affairs captures the balance of all the contracts that were decertified in both Witness Victim and Children Who Witness Violence that were decertified and recertified in Family Justice Center within Justice Affairs. This action completes the transfer of all activity from both accounts to the Family Justice Center account. There are corresponding decreases (document BA1100263, item C and document BA1100264, item D), Funding is from the Health and Human Services Levy Fund covering the period January 1, 2011 through December 31, 2011.

F.	21A525	VAWA Block Grant	<b>BA1100284</b>
		JA752915 – FY2010 VAWA Block Grant CY2011	
		Other Expenses	\$ 509,170.63

To establish appropriations for the recent award of the FFY2010 Violence Against Women Act (VAWA) Block grant to implement with multiple service providers for the various programs under the Act. The grant was accepted by the County Commissioners on November 18, 2010, Resolution number 105066. Funding is from the United States Department of Justice, Office on Violence Against Women passed through the Ohio Department of Public Safety, Office of Criminal Justice Services covering the period January 1, 2011 through December 31, 2011. No cash match is required.

G.	21A579	VAWA Administration Grant	<b>BA1100285</b>
		JA752907 – FY2010 VAWA Administration Fund CY2011	
		Personal Services	\$ 15,185.91
		Other Expenses	\$ 5,672.00

To establish appropriations in the recent award for the FFY2010 Violence Against Women Act (VAWA) Administration grant to offset a portion of costs for staff to administer the VAWA Block grant and to monitor the provisions under the Act. The grant was accepted by the County Commissioners on November 18, 2010, Resolution number 105066. Funding is from the United States Department of Justice, Office on Violence Against Women passed through the Ohio Department of Public Safety, Office of Criminal Justice Services covering the period January 1, 2011 through December 31, 2011. The award was for \$15,643.43 that required a cash match in the amount of \$5,214.48 from Justice Affairs, Criminal Justice Service Agency (see operating transfer document JT1100003, item B).

H.	21A762	Port Security Grant		<b>BA1100286</b>
		JA767905 – Port Security Grant FFY10-2010/2013		
		Personal Services	\$ 49,650.00	
		Other Expenses	\$ 953,503.00	

To establish appropriations for the recent award of the FFY2010 Port Security Grant. The grant was formally accepted on September 16, 2010, Resolution number 103967. Funding is from the United States Department of Homeland Security, Federal Emergency Management Agency covering the period June 1, 2010 through May 31, 2013. No cash match is required.

I.	21A882	Professional Continuing Education-Paul Coverdell Grant		<b>BA1100287</b>
		CR752923 – 10/11 Professional Continuing Education-Paul Coverdell Grant		
		Other Expenses	\$ 102,419.17	

To establish appropriations for the recent award of the FY2010 Paul Coverdell Forensic Science Improvement grant to improve forensic death investigations through support of continuing medical education of the practitioners at national professional conferences, meetings and training and to provide laboratory supplies. This grant has been awarded to the Cuyahoga Coroner's Office for the past three years. Funding is from the United States Department of Justice, Office of Justice Programs, National Institute of Justice in accordance with provisions of the Paul Coverdell National Forensic Sciences Improvement Act of 2000 passed through The Ohio Department of Public Safety, Office of Criminal Justice Services covering the period October 1, 2010 through September 30, 2011. The grant was accepted by the County Council on February 8, 2011. No cash match is required.

J.	21A838	JAG Asst Justice 05		<b>BA1100291</b>
		JA755694 – JAG Assistance Justice FY2009-2013		
		Other Expenses	\$ 350,000.00	

To establish appropriations for the recent award of the Justice Assistance Grant FY2010-2009/2013. The agreement was accepted by the County Commissioners on December 2, 2010, Resolution number 1051119. Funding is through an agreement with the City of Cleveland from United States, Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program covering the period October 1, 2009 through September 30, 2013. No cash match is required.

K.	21A038	Child Sexual Predator Grant Program		<b>BA1100292</b>
		SH350710 – FFY2010 Child Sexual Predator Program		
		Other Expenses	\$ 173,362.00	
		Capital Outlays	\$ 166,088.00	

To establish appropriations for the recent award to the County Sheriff for the Child Sexual Predator Grant Program from the United States Department of Justice, Community Oriented Policing Services (COPS) covering the period September 1, 2010 through August 31, 2012. The grant was accepted by the Board of County Commissioners on October 26, 2010, Resolution Number 104611. No cash match is required.

L.	21A864	Safe Havens: Visitation & Exchange Program		<b>BA1100295</b>
		JA767111 – Safe Havens: Visitation & Exchange Program		
		Other Expenses	\$ (10,691.27)	

To decrease appropriations in Justice Affairs grant titled Safe Havens: Visitation & Exchange Program to complete the closure of the grant. Funding is from the Ohio Department of Public Safety, Office of Criminal Justice Services covering the period January 1, 2009 through November 30, 2010.

M.	20A720	Urinalysis Testing CO446070 – Urinalysis Testing Fees Other Expenses	\$ 85,000.00	<b>BA1100272</b>
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This increase in appropriations is to cover anticipated expenses for urinalysis testing for this year. The current cash balance and estimated revenue for the year will support this appropriation increase. The funding sources for this Special Revenue Fund are urinalysis testing fees charged to agencies and individuals for testing performed.

N.	22A371	Shelter + Care '09-SRA (6YR) HS752801 – Shelter + Care '09-SRA Other Expenses	\$ 1,325,520.00	<b>BA1100258</b>
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To provide appropriations for The Office of the Administrator's Office/Homeless Services recent award from the United States Department of Housing & Urban Development in connection with the FY2009 Continuum of Care for Homeless Assistance program for shelter care plus sponsor-based rental assistance program in the amount of \$1,325,520.00 covering the period December 2, 2010 through December 1, 2015. The award was formally accepted on December 2, 2010, resolution 1051222.

O.	21A012	Treu-Mart Fund -IIC Home Visitation Program EC720839 - Treu-Mart Fund -IIC Home Visitation Program Other Expenses	\$ 50,000.00	<b>BA1100294</b>
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To provide appropriations for The Office of Early Childhood recent award from the Treu-Mart Fund for operational support for the hospital based child find specialists in the amount of \$50,000.00 covering the period January 1, 2011 through December 31, 2011. The purpose of the hospital based child find program is to assure that infants and toddlers who are eligible for Help Me Grow services are linked to the services as soon as possible with the goal of enhancing the development of the child. The award was approved by the County Executive on January 25, 2011, Approval no. EA2011-0069.

P.	21A846	Foreclosure Prevention TR762997 – Treasurer Foreclosure Prevention Personal Services Other Expenses	\$ 18,921.50 \$ 29,296.64	<b>BA1100270</b>
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Appropriation is requested for the Cuyahoga County Foreclosure Prevention program. Funds are derived from grants and private foundations for foreclosure prevention.

Q.	21A875	CCCMHB – Behavioral Mental Health JC752626 – 10/11 Behavioral Mental Health – Juvenile Justice Other Expenses	\$ 35,000.00	<b>BA1100288</b>
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Appropriation is requested for the increase in the original grant award from the Board of Cuyahoga County Alcohol Drug Addiction & Mental Health Services.

R.	20A800	Operation and Maintenance Subsidy Of Det. Facility JC372300 – Subsidy – Oper. and Maint. Of Det. Facility Other Expenses	\$ (13,889.00)	<b>BA1100289</b>
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A decrease appropriation is requested due to decertification of prior contracts. Funding was from child support payments for youth committed to the former Youth Development Center.



S.	20A585	Legal Computerization JC514919 – Legal Computerization Other Expenses           \$       (19,540.00)	<b>BA1100289</b>
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An appropriation decrease is requested for unused dollars in this account. This special revenue fund is supported by a fee for each cause of action or appeal and on the filing, docketing, and endorsing or each certificate of judgment charged, etc. under sections 2151.54, 2303.20 of the Ohio Revised Code.

T.	20A635	Title IV-E – Juv. Court JC517318 – Title IV-E – Juvenile Court Other Expenses           \$       350,000.00	<b>BA1100290</b>
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An appropriation is requested to provide funds for Shelter Care and the Court’s Computerized Case Management System. Funding comes from Federal Title IV-E dollars under the Social Security Act for reimbursement of expenses related to the Court’s placement of children in foster care. Funding is provided from the U.S. Department of Health and Human Services passed through the Ohio Department of Jobs and Family Services.

U.	20A334	Juv. Court – Alt. Dispute Resolution JC510925 – Juv. Ct. – Alt. Dispute Resolution Other Expenses           \$       (200,000.00)	<b>BA1100293</b>
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An appropriation decrease is requested due to unused funds for contracted services. This fund is supported by a fee assessed on the filing of each cause of action or appeal and on the filing, docketing, and endorsing or each certificate of judgment charged under sections 2303.20(E)(1), 1907.26.2, and 1907.24(B)(1) of the Ohio Revised Code.

V1.	22S274	Home Weatherization Assistance Program (HWAP) American Recovery and Reinvestment Act (ARRA) 2009-2010 DV725218 – HWAP ARRA Dept. of Energy Support 2009-2010 Other Expenses           \$           574.25	<b>BA1100151</b>
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V2.	22S274	Home Weatherization Assistance Program (HWAP) American Recovery and Reinvestment Act (ARRA) 2009-2010 DV725200 – HWAP ARRA Dept. of Energy Support 2009-2010 Other Expenses           \$       1,400.00	<b>BA1100297</b>
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V3.	22S274	Home Weatherization Assistance Program (HWAP) American Recovery and Reinvestment Act (ARRA) 2009-2010 DV725192 – HWAP ARRA Dept. of Energy Administration 2009-2010 Personal Services       \$           411.99	<b>BA1100153</b>
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Appropriation is requested to cover expenses incurred for the 2009-2010 Home Weatherization Assistance Program (HWAP), which provides heating assistance to low-income households. Funding for this account comes in part from landlord deposits for furnace and hot water tank replacements. Contributions are provided from utility companies that leverage grant funding via the American Reinvestment and Recovery Act (ARRA) from U.S. Department of Energy dollars passed through the Cleveland Housing Network. This grant requires no County match. The grant period runs from July 2009 to March 31, 2012.

W.	22A719	Home 2010 DV713438 – HOME Project Plan Fiscal Year 2010 Other Expenses           \$       69,000.00	<b>BA1100152</b>
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Additional appropriation is requested for the HOME Project Plan due to the receipt of additional program income through September 30, 2010. HOME is a program set up to fund the rehabilitation of homes and to provide loans to homeowners to fix up homes. Funding for HOME 2010 comes from grants received from the Department of Housing and Urban Development. This grant requires no County match. The grant period runs from January 1, 2010 to December 31, 2010.

X.	40A069	Capital Projects Fund	<b>BA1100296</b>
		CC767897 – Elevator Upgrade Board of Elections	
		Capital Outlay	\$ 750,000.00

An additional appropriation is requested to cover critical upgrades to the elevators at the Board of Elections. This includes modernization of two (2) passenger elevators and one (1) freight elevator. The costs include labor and material needed to complete the project, which was part of the 2009 Capital Plan. Funds for the payment of capital expenditures under this capital project account will be reimbursed by bonds expected to be later issued by the County for the project.

Y.	22A063	SHP '08 - SA Pass Transitional	<b>BA1100257</b>
		HS752899 - SHP '09 SA Pass Transitional	
		Other Expenses	\$ 537,741.00

To provide appropriations for The Office of Homeless Services recent award from the United States Department of Housing & Urban Development in connection with the FY2009 Continuum of Care for Homeless Assistance Program in the amount of \$537,741.00 covering the period November 1, 2010 through October 30, 2011. The award was formally accepted on December 2, 2010, resolution 1051221.

Z.	40A069	Capital Projects Fund	<b>BA110310</b>
		CC767699 – Juvenile Justice Complex Phase II	
		Capital Outlay	\$ 1,669,041.00

The above additional appropriation is needed for the completion of the new Juvenile Justice Center Complex for Cuyahoga County. The increase in funding is based on the Juvenile Court's revised request for information technology procurement dated January 28<sup>th</sup> 2011. The requested equipment includes new application and data servers, personal computers and installation costs related to deploying wireless network connectivity throughout the building. The original approved allotment for technology in the project budget was approximately \$2.1 million and was primarily used for information technology infrastructure and building systems. This latest request is focused on procuring equipment that will enable the Court to run efficiently as soon as the facility is opened.

The total project budget including this request is \$186.1 million or \$2.9 million under the original approved estimate of \$189 million. The funding for the JJC project including this request is proceeds from general obligation bonds issued by the County. To date the County has issued \$126.4 million in bonds to fund the site work and construction of the facility. The remaining cost of the project including the interior work will be reimbursed from proceeds from a second bond issuance planned for late 2012.

**Resolutions: Appropriation Transfers**

A. FROM: 01A001 – General Fund **BA1100241**  
PR194720-Prosecutor-Children & Family Services  
Personal Services \$ 2,215.00

TO: 01A001 – General Fund  
PR194720-Prosecutor-Children & Family Services  
Other Expenses \$ 2,215.00

The transfer is to provide sufficient appropriation in anticipation of a contract increase with Westlaw for legal research services. The transfer from personal services was due to a surplus resulting from a vacancy of one support staff that will not be hired until late February. Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011.

B. FROM: 21A418 – TASC Drug Court **BA1100266**  
JA751859-FY2009 TASC Drug Court  
Personal Services \$ 4,589.03

TO: 21A418 – TASC Drug Court  
PR751859-FY2009 TASC Drug Court  
Other Expenses \$ 4,589.03

The transfer is to prepare the Treatment Alternatives to Street Crime (TASC) Drug Court grant for closure by transferring the remaining personnel balance to other expenses to provide sufficient appropriation to return the remaining cash back to the funding source. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2008 through June 30, 2009.

C. FROM: 21A311 – TASC **BA1100267**  
JA751842-TASC FY2009  
Personal Services \$ 61,108.74

TO: 21A311 – TASC  
JA751842-TASC FY2009  
Other Expenses \$ 61,108.74

The transfer is to prepare the Treatment Alternatives to Street Crime (TASC) grant for closure by transferring the remaining personnel balance to other expenses to provide sufficient appropriation to return the remaining cash back to the funding source. Funding is from the Ohio Department of Alcohol and Drug Addiction Services covering the period July 1, 2008 through June 30, 2009.

D. FROM: 01A001 – General Fund **BA1100275**  
JA302224-Public Safety Grants Administration (Justice Affairs)  
Other Expenses \$ 5,214.48

TO: 01A001 – General Fund  
JA301325-Justice Affairs-Criminal Justice Administration  
Other Expenses \$ 5,214.48

The transfer is to provide the necessary cash match for the FY2010 VAWA Administration CY2011 grant. Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011.

E.	FROM:	01A001 – General Fund JA302224-Public Safety Grants Administration (Justice Affairs) Other Expenses           \$           1,000.00	<b>BA1100276</b>
	TO:	01A001 – General Fund JA302224-Public Safety Grants Administration (Justice Affairs) Capital Outlays           \$           1,000.00	

The transfer is to provide sufficient funds within Justice Affairs Public Safety Grants Administration account for pending computer development requirements. Funding is from the General Fund covering the period January 1, 2011 through December 31, 2011.

F.	FROM:	20A264 – County Law Library Resource Board LL440008 – County Law Library Resource Board Other Operating           \$           3,300.00	<b>BA1100256</b>
	TO:	20A264 – County Law Library Resource Board LL440008 – County Law Library Resource Board Personal Services       \$           3,300.00	

Request to transfer appropriation within the budget of the County Law Library Resource Board (CLLRB) to cover projected personnel expenses through the rest of the year. The Board's budget was calculated, similar to other County agencies, based on the assumption that staff would participate in the 2011 furlough program. In January 2011, the Board of Directors for the CLLRB, voted against requiring staff to take unpaid leave. As a result of this action the personnel budget is approximately \$3,300 short to cover expenses. The Board is supported by fines and fees assessed in accordance with the Ohio Revised Code and operates within its own resources. The County is required to provide space to the Library at no charge, but is not required to provide any additional funding from the General Fund.

G.	FROM:	01A001 – General Fund BE474601 – Charter Election Personal Services       \$           720,552.00	<b>BA1100268</b>
	TO:	01A001 – General Fund BE472050 – Primary Election Personal Services       \$           596,833.00	
		01A001 – General Fund BE473058 – General Election Personal Services       \$           123,719.00	

Request to transfer appropriation within the Board of Elections' budget to cover projected expenses for the various elections through the rest of the year. The Board is supported by the General Fund.

H.	FROM:	01A001 – General Fund CC012831 – Transition Advisory Group Other Expenses           \$           25,995.00 Capital                   \$           13,000.00	<b>BA1100271</b>
	TO:	01A001 – General Fund EX016006 – County Executive Capital                   \$           26,495.00	

TO: 01A001 – General Fund  
CN017004 – County Council  
Capital \$ 12,500.00

Appropriation is requested for computer equipment for the County Executive office and the County Council. This account is funded with General Fund dollars and is used for one-time expenses associated with the transition to charter government.

**Resolutions: Cash Transfers**

A. FROM: 21A453 – Felony Coordinator Project **JR1101847**  
JA752287 – Felony Coordinator FY2010  
Transfer Out \$ 849.44

TO: 20A824 – Family Justice Center  
JA107441 – Family Justice Center  
Revenue Transfer \$ 849.44

To transfer residual equity (cash) from Justice Affairs, FY2010 Felony Coordinator grant to the Family Justice Center (previously Witness Victim HHS portion) to return unused cash match and permit the FY2010 Felony Coordinator grant to close. Funding is from the Ohio Attorney General's Office, Victims of Crime Act covering the period October 1,2009 through September 30, 2010.

B. FROM: 01A001 – General Fund **JT1100003**  
JA301325 – Justice Affairs-Criminal Justice Administration  
Transfer Out \$ 5,214.48

TO: 21A579 – VAWA Administration Grant  
JA752907 – FY2010 VAWA Administration Fund CY2011  
Revenue Transfer \$ 5,214.48

To provide the necessary cash match for the VAWA Administration Grant (see BA1100285 item G). Funding is from the General Fund included in the 2011 budget and will not have a negative impact on the current operations. Funding covers the period January 1, 2011 through December 31, 2011.

FROM: 26A650 – \$5.00 Road Capital Improvements **JT1100004**  
CE418053 – County Engineer - \$5.00 License Tax Fund  
Transfer Out \$ 967,588.00

TO: 40A526 – Ohio Department of Transportation (ODOT) - Local Projects  
Administration (LPA)  
CE785006 – ODOT - LPA  
Revenue Transfer \$ 967,588.00

A cash transfer is requested from the \$5.00 Fund to the Ohio Department of Transportation – Local Projects Administration account to begin work on the Sprague Road project in the cities of Parma and North Royalton. Funding for the \$5.00 Fund comes primarily from fees on motor vehicle licenses.

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0088

Sponsored by: <b>County Executive FitzGerald/Department of Public Works</b>	<b>A Resolution</b> accepting the rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63.
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WHEREAS, The Department of Public Works has requested that the rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township be accepted as complete and in accordance with plans and specifications; and,

WHEREAS, The Department of Public Works/County Engineer has certified that project has been completed according to the plans and specifications; and,

WHEREAS, The Department of Public Works/County Engineer confirmed that the final cost of the project was paid in full in the amount of \$347,434.76, which was lower than the amount of the project estimate and the amount of the original contract with C.A. Agresta Construction Co.; and,

WHEREAS, the Department of Public Works has requested that the County Treasurer be authorized to release the escrow upon notification the County of Cuyahoga in accordance with R.C.153.63.

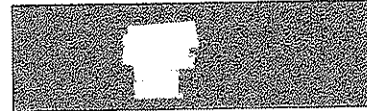
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township is approved and is hereby accepted as being complete in accordance with plans and specifications as required by Contract No. CE1000552-01 with C.A. Agresta Construction Co.

**SECTION 2.** The County Treasurer is hereby authorized to release the escrow in the amount of \$7,138.50 plus any accrued interest upon notification from the County of Cuyahoga in accordance with R.C. 153.63.







**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Michael W. Chambers
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Celia A. Lee	<b>Telephone No.</b>	216-348-3826
<b>SUMMARY OF REQUESTED ACTION:</b>			
Recommending to accept the rehabilitation of Various Maintenance Parking Lots and Driveways: York Road Yard and Fitch Road Yard in the City of North Royalton and Olmsted Township as complete and in accordance with plan and specifications.			
Contract CE1000552-01 awarded on June 17, 2010 to C.A. Agresta Construction Company, certified in the amount of \$356,924.65 with Amendment #1 in the amount of (\$9,489.89)			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

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

**Financial Information:**

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

**ATTACHMENTS:**

[Click to download](#)  
No Attachments Available

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0089

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	A <b>Resolution</b> authorizing the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$2,009,091.22 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights.
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WHEREAS, pursuant to O.R.C. 4504.02, the County imposes a \$5.00 motor vehicle tax on each motor vehicle registered in the County and the funds derived from that tax may be utilized for the purposes set forth in the statute, including planning, construction, improvement, maintenance and repair of public roads; and,

WHEREAS, the Department of Public Works has determined that Stumph Road from Snow Road to Pearl Road in the cities of Parma and Parma Heights are in need of improvement; and,

WHEREAS, the Ohio Public Works Commission will pay 70% of the cost of the above referenced road improvement and the County and the Cities of Parma and Parma Heights will split the remaining amount.

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

**SECTION 1.** That the County Executive is authorized to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds, in the amount of \$2,009,091.22 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights.

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

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

Yeas:

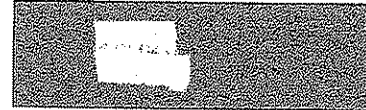
Nays:

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

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

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

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



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Thomas P. Sotak, P.E.
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Juliann Conway	<b>Telephone No.</b>	216-348-3838

**SUMMARY OF REQUESTED ACTION:**

County Executive/County Engineer, submitting an application for allocation from the County Motor Vehicle \$5.00 License Tax Fund in the amount of \$2,009,091.22 for the improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights.

On November 13, 2008 and July 9, 2009 the Board of County Commissioners approved, by resolution agreements by and between said Board of County Commissioners and the Cities of Parma and Parma Heights.

The Cities of Parma and Parma Heights will now make an application to use the County Motor Vehicle \$5.00 License Tax Fund, in accordance with Chapter 4504 of the Ohio Revised Code to pay Cuyahoga County's share of the cost for the above referenced project and hereby declaring the necessity that this Resolution become immediately effective.

The Ohio Public Works Commission (Issue 1) will pay 70% of the cost of the above referenced road improvement and the County and the Cities of Parma and Parma Heights will split the remaining amount.

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

The purpose of this request is to allocate funds from the County Motor Vehicle License Tax Fund to pay the County portion of this project.

**Explanation for late submittal:**

**Contract/Agreement Information:**

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**Procurement Method:**

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

**Financial Information:**

**Funding source: Explanation:**

Other 70% Issue 1/15% County/ 15% Municipalities (See Summary of Requested Action)

**Total Amount Requested:**

\$2,009,091.22

**ATTACHMENTS:**

Click to download

- [Application Motor Veh. Fund - Parma](#)
- [Application Motor Veh. Fund Parma Hts.](#)
- [Ordinance City of Parma](#)
- [Ordinance Parma Heights](#)

**History**

Time

Who

Clerk of the Board

Approval

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0090

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> approving specifications and estimate of cost in the amount not-to-exceed \$1,800,000.00 for rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the Village of Gates Mills; authorizing the Department of Purchasing to advertise for bids on RQ19651.
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WHEREAS, the Department of Public Works has submitted specifications and estimates of costs for the rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the City of Gates Mills and is requesting authority for the Director of the Office of Procurement and Diversity to advertise for bids; and,

WHEREAS, the funding for the project is as follows: 50% by the Ohio Public Works Commission and 50% from the County (\$7.50 License Tax Fund); and,

WHEREAS, the purpose of the request is to advertise for bids and obtain a qualified contractor to complete construction per plan at the lowest cost to the County.

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

**SECTION 1.** That the County Executive, through the Department of Procurement and Diversity, is authorized to advertise for bids on RQ # 19651 for the rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the City of Gates Mills consistent with the specifications and estimates of cost submitted by the Department of Public Works in the amount not-to-exceed \$1,800,000.

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

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

Yeas:

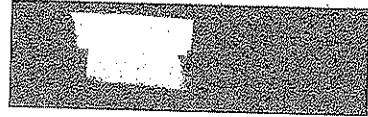
Nays:

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

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

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

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



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Thomas P. Sotak, P.E.
<b>Type of Request:</b>		<b>Telephone No.</b>	216-348-3838
<b>Request Prepared by:</b>	Juliann Conway		
<b>SUMMARY OF REQUESTED ACTION:</b>			
County Executive/County Engineer submitting specifications and estimate of cost; requesting authority for the Director of the Office of Procurement & Diversity to advertise for bids:			
a) on RQ #19651 for the rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the City of Gates Mills for an estimated cost in the amount not-to-exceed \$1,800,000.00.			
This is a locally funded project therefore the Office of Procurement and Diversity (OPD) will assess a Small Business Enterprise (SBE) goal.			
The funding for this project is as follows:			
50% Ohio Public Works Commission (Issue 1) 50% County (\$7.50 License Tax Fund)			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
The purpose of this request is to advertise for bids and obtain a qualified contractor to complete construction per plan at the lowest cost to the County.			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

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

**Financial Information:**

**Funding source:**      **Explanation:**  
Other                      See Summary of Requested Action.  
**Total Amount Requested:**  
\$1,800,000.00

**ATTACHMENTS:**

Click to download

- [Proposal](#)
- [Wage Rates](#)
- [Spec Bk Sect 100](#)
- [Spec Bk Sect 200](#)
- [Spec Bk Sect 300 Part 1](#)
- [Spec Bk Sect 300 Part 2](#)
- [Spec Bk Sect 400](#)
- [Plans 1-7](#)
- [Plans 8-11](#)
- [Plans 12-22](#)
- [Plans 23-33](#)
- [Plans 34-42](#)
- [Requisitions](#)

**History**

**Time**

2/17/2011 1:29 PM

**Who**

Office of Procurement &  
Diversity

Clerk of the Board

**Approval**

Yes

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0091

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division</b>	<b>A Resolution</b> authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works or her designee to execute said licenses.
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WHEREAS, the Department of Public Works has received applications for sewer building licenses for the Year 2011 and has requested the authority to execute licenses; and,

WHEREAS, Sewer builders provide new sewer services for connecting homes and commercial developments to main line sewers and construct main line sewer systems in residential developments; and,

WHEREAS, the Sanitary Engineer licenses and renews licenses for sewer contractors to protect the general public by requiring that the contractors provide:

1. a \$5,000 bond and Power of Attorney for the bond.
2. proof of Public Liability and Property Damage Insurance in the amount of \$100,000/\$500,000 minimum; and,

WHEREAS, the Department of Public Works has determined that good and sufficient bond indemnifying the County of Cuyahoga accompanies such applications; and,

WHEREAS, new licensees are also required to provide evidence of experience and a \$60.00 annual fee, which is a source of revenue for the Sanitary Engineer.

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

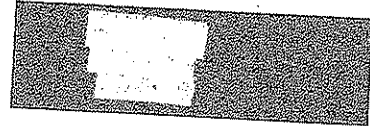
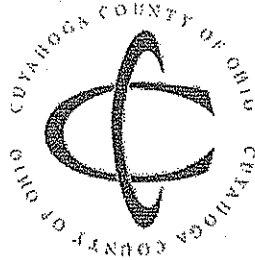
**SECTION 1.** That the Director of Public Works or her designee is hereby authorized to execute 2011 sewer building licenses to the following license applicants that shall be effective through December 31, 2011:

1. ANGELO SALVATORE EXCAVATING, 9240 NOBLE PARK DRIVE, BRECKSVILLE, OHIO 44141
2. ANTONELLI BROTHERS, INC., 13436 CHILLICOTHE ROAD, CHESTERLAND, OHIO 44026

3. BOB BENNETT CONSTRUCTION COMPANY, 2795 BARBER ROAD, NORTON, OHIO 44203
4. CLEVELAND WATERPROOFING, INC., 2501 WEST 3<sup>RD</sup> STREET, CLEVELAND, OHIO 44113
5. C.U.E. EXCAVATING CONTRACTORS, LLC., P.O. BOX 23036, CHAGRIN FALLS, OHIO 44023
6. D.B. BENTLEY, INC., 2649 NARROWS ROAD, PAINESVILLE, OHIO 44077
7. DEGREEN CONSTRUCTION SERVICES, INC., 8276 BRAKEMAN ROAD, PAINESVILLE, OHIO 44077
8. DIFRANCO & SON SEWER CLEANING CO., 36501 EDDY ROAD, WILLOUGHBY HILLS, OHIO 44094
9. DIGIOIA-SUBURBAN EXCAVATING, LLC, 11293 ROYALTON ROAD, NORTH ROYALTON, OHIO 44133
10. DINO'S CONTRACTING CO., 30160 EDDY ROAD, WILLOUGHBY HILLS, OHIO 44094
11. FIRESIDE BUILDERS, LLC, 6779 ENGLE ROAD, STE. K, NORTH ROYALTON, OHIO 44133
12. FRANK SALVATORE EXCAVATING, INC., 1435 OAKES ROAD, BROADVIEW HEIGHTS, OHIO 44147
13. GREAT LAKES CRUSHING, LTD., 35650 LAKELAND, EASTLAKE, OHIO 44095
14. INDEPENDENCE EXCAVATING, INC., 5720 SCHAAF ROAD, INDEPENDENCE, OHIO 44131
15. LOU SEVERINO CONSTRUCTION, INC., 1809 CEDARHURST DRIVE, WICKLIFFE, OHIO 44092
16. MILLER PLUMBING & HEATING CO., 196 BELL STREET, CHAGRIN FALLS, OHIO 44022
17. MR. ROOTER PLUMBING CORP., 31382 INDUSTRIAL PARKWAY, NORTH OLMSTED, OHIO 44070
18. NIRO EXCAVATION PLUS, INC., 7799 DUNHAM ROAD, WALTON HILLS, OHIO 44146
19. PODOJIL EXCAVATING CO., P.O. BOX 95, CHESTERLAND, OHIO 44026



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



**Item Details:**

**Agency/Dept. Name:** County Engineer/Sanitary Engineering Division  
**Agency/Dept. Head Name:** Robert C. Klaiber Jr.,

**Type of Request:** Authority To Submit

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

**SUMMARY OF REQUESTED ACTION:**

Sanitary Engineering Division, submitting Sewer Builder's Licenses for the Year 2011.

Sewer builders provide new sewer services for connecting homes and commercial developments to main line sewers. They also construct main line sewer systems in residential developments. The Sanitary Engineer licenses and renews licenses for sewer contractors to protect the general public by requiring that the contractors provide:

1. A \$5,000 bond and Power of Attorney for the bond.
2. Furnish proof of Public Liability and Property Damage Insurance in the amount of \$100,000/\$500,000 minimum as per Board Resolution No. 524306.

New licensees are also required to provide evidence of experience. The \$60.00 annual license fees are a source of revenue for the Sanitary Engineer's Office. If you have any questions, please call James Johnson, Jr., Supervisor, Permits & Inspection, at ext. 8208 or William Schneider, P.E., Chief Engineer, at ext. 8205.

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

26 License applications with the Request For Board Action  
82 Total processed for 2011 to date

ANGELO SALVATORE EXCAVATING, ANGELO SALVATORE, OWNER  
ANTONELLI BROTHERS, INC., TONINO ANTONELLI, PRESIDENT  
BOB BENNETT CONSTRUCTION COMPANY, N. ROBERT BENNETT, PRESIDENT  
CLEVELAND WATERPROOFING, INC., PETER A. MASSITTI, PRESIDENT



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0092

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	A <b>Resolution</b> authorizing the County Executive to prepare and enter into an amendment (Subsidiary No. 1) to Contract No. CE1000111-01 with Suburban Maintenance & Construction, Inc. for replacement of Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds in the amount of \$82,720.99.
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WHEREAS, the Department of Public Works has requested authority to prepare an amendment (Subsidiary No. 1) to Contract CE1000111-01 with Suburban Maintenance & Construction, Inc., for the replacement of the Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds not-to-exceed \$82,720.99; and,

WHEREAS, the original contract was in the amount of \$534,267.10 and the amendment will be for an increase in the amount of \$82,720.99, bringing the revised contract amount to \$616,988.09 (15.5% over the original contract amount); and,

WHEREAS, a majority of these additional funds were needed as a result of the water line location shown on the original plan differing from the actual field location causing the need for a revised water line relocation plan.

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

**SECTION 1.** That the County Executive is hereby authorized to prepare and to execute an amendment (Subsidiary No. 1) to Contract No. CE1000111-01 with Suburban Maintenance & Construction, Inc. for replacement of Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds in the amount of \$82,720.99.

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



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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

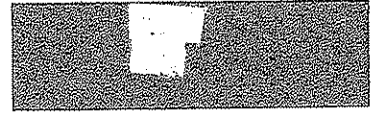
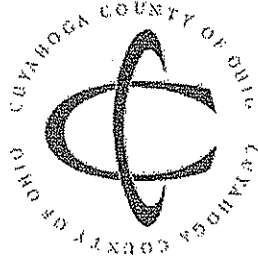
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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



**Item Details:**

**Agency/Dept. Name:** County Engineer      **Agency/Dept. Head Name:** Thomas P. Sotak, P.E.

**Type of Request:** Authority To Prepare

**Request Prepared by:** Juliann Conway      **Telephone No.** 216-348-3838

**SUMMARY OF REQUESTED ACTION:**

County Executive/County Engineer, requesting authority to prepare the final amendment (Subsidiary No. 1) to Contract CE1000111-01 with Suburban Maintenance & Construction, Inc. for the replacement of the Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds not-to-exceed \$82,780.99 declaring the necessity that this Resolution become immediately effective.

The project was staffed with the following CCE employees:

- Thomas P. Sotak, P.E., Chief Construction Engineer
- Darwin Merdes, P.E., Construction Area Engineer
- Terry Cain, Project Supervisor
- Chris Nader, Project Inspector

Original Contract Amount: \$534,267.10  
Amendment #1: \$ 82,720.99  
Rev. Contract Amount: \$616,988.09 (15.48% over the original contract amount)

**The County funded 100% of the cost for construction with funds allocated from the \$5.00 License Tax Fund.**

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

A majority of these additional funds were needed as a result of the water line location shown on the original plan differing from the actual field location. Therefore a revised water line relocation plan had to be prepared and the City of Cleveland Division of Water assessed the applicable charges to the contractor. In addition the contractor had to perform all

related work which was not included on original plan and deemed necessary by project supervision to complete construction per plan intent.

Primary Owner: Brian Stucky, President (100%)  
16330 York Road  
North Royalton, OH 44133

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

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

**Financial Information:**

**Funding source:**      **Explanation:**  
Other                      See Summary of Requested Action.

**Total Amount Requested:**  
\$82,720.99

**ATTACHMENTS:**

- Click to download
- [History Log](#)
  - [Draft amendment](#)

**History**  
Time

**Who**  
Clerk of the Board

**Approval**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0093

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000568-01 with Perk Company, Inc. for scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83).
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WHEREAS, the Department of Public Works has recommended approval of an amendment to Contract No. CE1000568-01 with the Perk Company Inc, for the scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83); and,

WHEREAS, the original contract was in the amount of \$179,800.00 and the amendment will be for a reduction in the amount of (\$17,081.83), bringing the revised contract amount to \$162,718.17, equal to 9.5% under the original contract amount.

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

**SECTION 1.** That the County Executive is hereby authorized to enter into an amendment to Contract No. CE1000568-01 with the Perk Company, Inc. for the scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83).

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

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

Yeas:

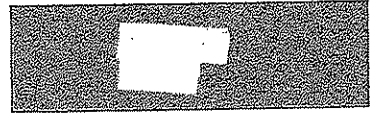
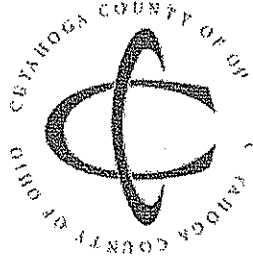
Nays:

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

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

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

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



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Thomas P. Sotak, P.E.
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Juliann Conway	<b>Telephone No.</b>	216-348-3838

**SUMMARY OF REQUESTED ACTION:**

County Executive/County Engineer, submitting the final amendment (Subsidiary No. 1) to Contract CE1000568-01 with the Perk Company, Inc. for the scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83) declaring that this Amendment become effective immediately.

The project was staffed with the following CCE employees:

- Thomas P. Sotak, P.E., Chief Construction Engineer
- Jaoudat Charif, P.E., Construction Area Engineer
- Calvin Overmyer, Project Supervisor
- Anthony Ditz, Project Inspector

Original Contract Amount: \$179,800.00  
Amendment #1 (Final): (\$17,081.83)  
Rev. Contract Amount: \$162,718.17 ((9.50%) under Original Contract Amount)

**The County provided 100% of the funding using the \$7.50 Vehicle License Tax Fund.**

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

The purpose of this request is to execute this amendment and confirm the final cost of construction.

The attached amended agreement is based on final field measurements and calculations. In addition a new item of work was added to meet existing field conditions. The concrete face

and timberwall had to be cut evenly *to facilitate the installation of scour protection as directed by the Engineer.*

Principal Owner (s): Joseph Cifani, President and Anthony Cifani, Secretary/Treasurer

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

Competitive Bid

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

See PURPOSE/OUTCOMES.

**Financial Information:**

**Funding source:      Explanation:**

Other                      See Summary of Requested Action.

**Total Amount Requested:**

(\$17,081.83)

**ATTACHMENTS:**

Click to download

- [History Log](#)
- [Blue Back](#)
- [Amd Agr](#)
- [Blue Back](#)
- [VOUCHER](#)

**History**

Time	Who	Approval
2/17/2011 2:44 PM	Office of Procurement & Diversity	Yes
2/17/2011 3:48 PM	Clerk of the Board	Yes
2/18/2011 8:11 AM	County Auditor	Yes
	County Prosecutor Civil	

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0094

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/County Engineer</b>	<b>A Resolution</b> approving an award on RQ18812 to Fabrizi Trucking & Paving Co., Inc. in the amount of \$6,696,970.75 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights; authorizing the County Executive to enter into a contract consistent with said award.
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WHEREAS, the Department of Public Works has recommended an award on RQ#18812 to Fabrizi Trucking & Paving Co., Inc., in the amount of \$6,696,970.75 for the improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights; and,

WHEREAS, bids were received on January 27, 2011 and the engineer's estimate was \$7,930,000.00; and,

WHEREAS, the Department of Public Works/County Engineer tabulated the extension of the prices submitted by each bidder, verified the accuracy of the total amounts and determined Fabrizi Trucking & Paving Co., Inc. to be the lowest qualified bidder; and,

WHEREAS, funding for the project is as follows: 70% Ohio Public Works Commission (Issue 1), 15% County (\$5.00 License Tax Fund), 15% the Cities of Parma and Parma Heights.

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

**SECTION 1.** The recommended award on RQ#18812 for the improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights is approved and the County Executive is hereby authorized to execute a contract with Fabrizi Trucking & Paving Co., Inc., in an amount not-to-exceed \$6,696,970.75.

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



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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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



**Item Details:**

**Agency/Dept. Name:** County Engineer      **Agency/Dept. Head Name:** Thomas P. Sotak, P.E.

**Type of Request:** Award Recommendation

**Request Prepared by:** Juliann Conway      **Telephone No.** 216-348-3838

**SUMMARY OF REQUESTED ACTION:**

County Executive/County Engineer are recommending an award: RQ#18812 to Fabrizi Trucking & Paving Co., Inc. in the amount of \$6,696,970.75 for the Improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights and hereby declaring the necessity that this Resolution become immediately effective.

The attached bids were received on January 27, 2011 and the engineer's estimate was \$7,930,000.00. This office has tabulated the extension of the prices submitted by each bidder and verified the accuracy of the total amounts. This office found Fabrizi Trucking & Paving Co., Inc. to be the lowest qualified bidder. They submitted all necessary documentation per the proposal, plans and specifications. This is a locally funded project therefore the Office of Procurement and Diversity (OPD) assessed a thirty percent (30%) Small Business Enterprise (SBE) goal. Their SBE Subcontractor Participation Plan has been approved by OPD (see attached OPD Bid Tabulation).

The funding for this project is as follows:

- 70% Ohio Public Works Commission (Issue 1)
- 15% County (\$5.00 License Tax Fund)
- 15% Cities Parma and Parma Hts.

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

Primary Ownership: Patricia A, Fabrizi, Treasurer

The purpose of this request is to award a contract to a qualified bidder at the lowest cost to the County and complete construction per plan intent in the scheduled time period,

approximately eighteen (18) months.

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

Competitive Bid

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

**Financial Information:**

**Funding source:**      **Explanation:**

Other

See Summary of Requested Action.

**Total Amount Requested:**

\$6,696,970.75

**ATTACHMENTS:**

Click to download

- [CCEO Bid Results](#)
- [Auditor's Findings](#)
- [Business Name Filing](#)
- [DMA](#)
- [Campaign Contributions](#)
- [OPD Tab Sheet](#)

**History**

**Time**

2/22/2011 3:21 PM

**Who**

Office of Procurement &  
Diversity

Clerk of the Board

**Approval**

Yes

BID DUE DATE January 27, 2011

**OFFICE OF PROCUREMENT & DIVERSITY**

**TABULATION OF BIDS RECEIVED OVER \$25,000**

REQUISITION NUMBER CB-10-18812  
 REQUISITIONING DEPT. County Engineer  
 COMMODITY DESCRIPTION Improvements to Stumpit Road from Snow Road to Pearl Road

CONTRACT PERIOD N/A  
 NUMBER OF ITB'S 16/8  
 SENT/RETURNED  
 ESTIMATE \$7,930,000.00  
 SBE GOALS 30%

TO BE COMPLETED BY OPD AND USER DEPARTMENT (P=PROCUREMENT; D=DEPARTMENT)				TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER				
BIDDER'S NAME & ADDRESS	BID BOND / CHECK	P-ADMINISTRATIVE D-TECHNICAL REVIEW	ACTUAL BID AMOUNT	SBE SUBCONTRACTOR NAME	PRICE PREFER. IF Y, SBE%	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS
Fabrizi Trucking & Paving Co., Inc. 389 Columbia Road Valley City, Ohio 44280	Bid Bond, 100% - Ohio Farmers Insurance Co.	P-YES-DT 2-1-11	\$6,696,990.00 \$6,676,770.75	Trafftech, Inc. \$1,578,786.81% United Ready Mix \$1,320,000.00% S. Mpt. & Altern. \$552,000.00% Lakewood Supply \$133,200.00% 2.49%	33.25%	Y	AWB 2/11/11 T.M. 2/10/11	
DIGIOIA-Suburban Excavating, LLC. 11290 Royalton Road North Royalton, Ohio 44103	Bid Bond, 100% - Great American Insurance Company	P-YES-DT 2-1-11	\$6,845,136.73	Rockport Const. \$715,924.00% Cuyahoga Supply \$325,000.00% Trafftech \$578,534.00% P&T Const. \$200,000.00% 14.66% 4.75% 8.45% 2.92%	30.38%	Y	AWB 2/10/11	
Terrace Construction Company, Inc. 3965 Pearl Road Cleveland, Ohio 44109	Bid Bond, 100% - The Cincinnati Insurance Company	P-YES-DT 2-1-11	\$6,894,564.56	The Vallejo Co. \$1,572,000.00% Cuyahoga Supply \$416,550.00% Trafftech, Inc. \$192,000.00% 2.22% 6.04% 2.78%	30.82%	Y	AWB 2/10/11	
Great Lakes Crushing, Ltd. 35650 Lakeland Boulevard Eastlake, Ohio 44095	Bid Bond, 100% - Fidelity & Deposit Company of Maryland	P-YES-DT 2-1-11	\$7,013,111.10	Rockport Const. \$1,125,000.00% Trafftech 16.04% Cuyahoga Supply \$450,000.00% Trafftech, Inc. \$600,000.00% 8.6%	31.06%	Y	AWB 2/10/11	
Perk Company, Inc. 3100 Grand Avenue, Suite 300 Cleveland, Ohio 44104	Bid Bond, 100% - Travelers Casualty & Surety Company of America	P-YES-DT 2-1-11	\$7,097,000.00	Perk Co SBE 20% CarStone, Ltd. \$1,385,000.00% 2.6% Cuyahoga Supply \$725,662.00% 10.22% Tech Ready - N/A	30.00%	Y	AWB 2/10/11 Perk Co. Inc. Policy Tech Ready Mix cannot be used T.M. 2/11/11	

\* LOWEST BID REC'D \$ \_\_\_\_\_ RANGE OF LOWEST BID REC'D \$ \_\_\_\_\_ PRICE PFER % & \$ LIMIT: \_\_\_\_\_ MAX SBE PRICE PFER % \_\_\_\_\_

OEM APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_ BIDDERS NOTIFIED \_\_\_\_\_  
 (If actual bid exceeds estimate)

BID DUE DATE January 27, 2011

OFFICE OF PROCUREMENT & DIVERSITY

TABULATION OF BIDS RECEIVED OVER \$25,000

REQUISITION NUMBER CE - 10 - 18812 CONTRACT PERIOD N/A  
 REQUISITIONING DEPT. County Engineer NUMBER OF ITB'S 16 / 8  
 COMMODITY DESCRIPTION Improvements to Stump Road from Snow Road to Pearl Road ESTIMATE \$7,930,000.00  
 SBE GOALS 30%

TO BE COMPLETED BY OPD AND USER DEPARTMENT (P=PROCUREMENT; D=DEPARTMENT)				TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER				
BIDDER'S NAME & ADDRESS	BID BOND / CHECK	P - ADMINISTRATIVE D-TECHNICAL REVIEW	ACTUAL BID AMOUNT	SBE SUBCONTRACTOR NAME	PRICE PREFERRED IF Y, SEE*	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS
Karvo Paving Company 4524 Hudson Drive Stow, Ohio 44224	Bid Bond, 100% - Travelers Casualty & Surety Company of America	P-YES-DT 2-1-11	\$7,594,721.20	Trafftech \$227,300.00 2.97% Columbus Supply \$352,400.00 4.61% Cleveland Const. \$4,150,000.00 5.27% SIS Materials \$160,000.00 2.05% Perit Const. \$300,000.00 3.82% Packport Const. \$415,000.00 5.33%	Y	37.50%	Y	AWP 2/1/11 Requested a partial bid for work not able to find other SBE's. Submitted copies of tax and insurance bid to contractor website. AWP 2/1/11
Kenmore Construction Company, Inc. 700 Home Avenue Altrou, Ohio 44310	Bid Bond, 100% - Ohio Farmers Insurance Co.	P-YES-DT 2-1-11	\$7,914,783.45	Granville Fr. & K. \$450,000.00 5.69% Timeliness Photo \$750.00 Trafftech \$102,595.00	N	6.99%	N	Requested a partial bid for work not able to find other SBE's. Submitted copies of tax and insurance bid to contractor website. AWP 2/1/11
Fechko Excavating 865 West Liberty Street, Suite 120 Medina, Ohio 44256	Bid Bond, 100% - The Guarantee Company of North America USA	P-YES-DT 2-1-11	\$8,335,818.99	Perit Const. \$1,800,000.00 21.57% Packport Const. \$879,505.00 10.55% Columbus Supply \$310,000.00 3.72% Trafftech \$102,595.00	Y	36.82%	Y	AWP 2/1/11 Requested a partial bid for work not able to find other SBE's. Submitted copies of tax and insurance bid to contractor website. AWP 2/1/11

\* LOWEST BID REC'D \$ \_\_\_\_\_ PRICE PREFERRED % & \$ LIMIT \_\_\_\_\_ RANGE OF LOWEST BID REC'D \$ \_\_\_\_\_ MAX SBE PRICE PREFERRED % \_\_\_\_\_

OEM APPROVAL \_\_\_\_\_ BIDDERS NOTIFIED \_\_\_\_\_  
 (If actual bid exceeds estimate) \_\_\_\_\_ DATE \_\_\_\_\_

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0095

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Sanitary Engineer</b>	<b>A Resolution</b> approving an award on RQ18997 to Longo Sewer Construction, Inc. in the amount of \$378,993.00 for replacement of storm and sanitary sewers in Grannis Road and Thraves Road, located in the City of Garfield Heights, County Sewer District No. 9; authorizing the County Executive to enter into a contract consistent with said award.
---	--

WHEREAS, the Department of Public Works has recommended an award on RQ#18997 to Longo Sewer Construction, Inc., in the amount of \$378,993.00 for the replacement of storm and sanitary sewers on Grannis & Thraves Roads in the City of Garfield Heights, Sewer District No. 9; and,

WHEREAS, Nine bids were received on January 18, 2011 and the Department of Public Works tabulated the extension of the prices submitted by each bidder, verified the accuracy of the total amounts and determined that Longo Sewer Construction, Inc. to be the qualified bidder with a 30.9% SBE participation; and,

WHEREAS, Longo Construction, Inc. submitted all necessary documentation per the proposal, plans, and specifications.

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

**SECTION 1.** The recommended award on RQ#18997 for the replacement of storm and sanitary sewers on Grannis & Thraves Roads in the City of Garfield Heights is hereby approved and the County Executive is authorized to execute a contract with Longo Sewer Construction, Inc., in an amount not-to-exceed \$378,993.00.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

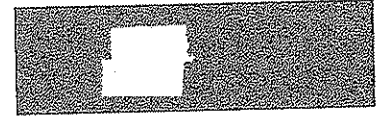
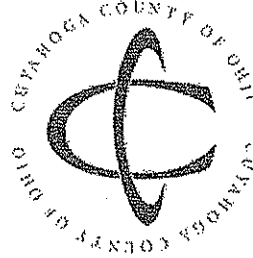
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer/Sanitary Engineering Division	<b>Agency/Dept. Head Name:</b>	Michael W. Dever
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**Type of Request:** Award Recommendation

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

The Department of Public Works is recommending an award on RQ #18997 to Longo Sewer Construction, Inc., in the amount of \$378,993.00, for the Replacement of Storm & Sanitary Sewers on Grannis & Thraves Roads in the City of Garfield Heights, Sewer District No. 9, hereby declaring the necessity that this Resolution become immediately effective.

**Funding:** No General fund monies are being used for this project. It is being financed with Sewer District user fees. The project was competitively bid.

**Bidding:** Nine (9) bids were received on January 18, 2011. This office has tabulated the extension of the prices submitted by each bidder and verified the accuracy of the total amounts. This office found Longo Sewer Construction to be the lowest qualified bidder. They submitted all necessary documentation per the proposal, plans, and specifications. This is a locally funded project therefore the Office of Procurement and Diversity (OPD) assessed a thirty percent (30%) Small Business Enterprise (SBE) goal. Their SBE Subcontractor Participation Plan has been approved by OPD (see attached OPD Bid Tabulation).

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

Primary Ownership: Anna Rossi, President (216) 440-5380

The purpose of this request is to award a contract to a qualified bidder at the lowest cost to the County and complete construction per plan intent in the scheduled time period, approximately 150 days.

**Explanation for late submittal:**



**Contract/Agreement Information:**

**Procurement Method:**

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

**Financial Information:**

**Funding source:**      **Explanation:**  
Other                      Sewer Maintenance Funds

**Total Amount Requested:**  
\$ 378,993.00

**ATTACHMENTS:**

Click to download

- [Bid Opening /Tabulation For Grants & Thraves](#)
- [Auditor Findings Longo Sewer](#)
- [Secretary of State Longo Sewer](#)
- [W 9 Form Longo Sewer](#)
- [Multiple vendors Longo Sewer](#)
- [Dma Form Longo Sewer](#)
- [Campaign contribution form Longo Sewer](#)

**History**

Time	Who	Approval
2/17/2011 11:24 AM	Office of Procurement & Diversity Clerk of the Board	Yes

BID DUE DATE January 18, 2011

**OFFICE OF PROCUREMENT & DIVERSITY  
TABULATION OF BIDS RECEIVED OVER \$25,000**

REQUISITION NUMBER ST-11-18997 CONTRACT PERIOD N/A  
 REQUISITIONING DEPT. Sanitary Engineers NUMBER OF ITB'S SENT/RETURNED 16/9  
 COMMODITY DESCRIPTION Replacement of Storm & Sanitary Sewers on Grannis & Thirives Roads ESTIMATE \$400,000.00  
 SBE GOALS 30%

TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER

BIDDER'S NAME & ADDRESS	BID BOND / CHECK	P - ADMINISTRATIVE D-TECHNICAL REVIEW	ACTUAL BID AMOUNT	SBE SUBCONTRACTOR NAME	PRICE PREFER. IF Y, SEE*	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS
Longo Sewer Construction, Inc. 4197 Greenvale Drive South Euclid, Ohio 44121	Bid Bond, 100% - Ohio Farmers Insurance Co.	<i>OK</i> 1-20-11 <i>D-OK</i> 1/28/11	\$378,993.00	Chas. Davis, Inc. 72,275 18.54% Cunningham Paving Co. 19,175 5.05% M.E. Central Construction Co. Inc. 26,425 7.05% Coral Bays, Inc. 26,425 7.05% Dempsey Surveying Co. 4,040 1.06% Midland Concrete, 119,765 30.82%		30.19%	<i>Y</i>	Utilized SBE program participants, also not fill out section 10101 or 10102 1/21/11 Ann. 7/11/11 Utilized SBE participants Do not fill out Partial window opening MET CONTRACT REQUIREMENTS 1/21/11 Ann. 7/11/11
DDD Enterprises, Inc. 1655 East Highland Road Twinsburg, Ohio 44087	Bid Bond, 100% - West Bend Mutual Insurance Company	<i>OK</i> 1-20-11 <i>D-OK</i> 1/28/11	\$388,634.00	Chas. Davis, Inc. 72,275 18.54% Cunningham Paving Co. 19,175 5.05% M.E. Central Construction Co. Inc. 26,425 7.05% Coral Bays, Inc. 26,425 7.05% Dempsey Surveying Co. 4,040 1.06% Midland Concrete, 119,765 30.82%		30.86%	<i>Y</i>	Utilized SBE program Expressed SBE's govt. Did not send or sign SBE NO SBE - 1/21/11 1/21/11 Ann. 7/11/11
D.R.S. Enterprises, Inc. 20910 Miles Parkway Warrensville Heights, Ohio 44128	Bid Bond, 100% - Ohio Farmers Insurance Company	<i>OK</i> 1-20-11 <i>D-OK</i> 1/28/11	\$391,213.12	Chas. Davis, Inc. 72,275 18.54% Cunningham Paving Co. 19,175 5.05% M.E. Central Construction Co. Inc. 26,425 7.05% Coral Bays, Inc. 26,425 7.05% Dempsey Surveying Co. 4,040 1.06% Midland Concrete, 119,765 30.82%		30.89%	<i>Y</i>	Utilized SBE program Expressed SBE's govt. Did not send or sign SBE NO SBE - 1/21/11 1/21/11 Ann. 7/11/11
Fabrizi Trucking & Paving Co., Inc. 389 Columbia Road Valley City, Ohio 44280	Bid Bond, 100% - Ohio Farmers Insurance Company	<i>OK</i> 1-20-11 <i>D-OK</i> 1/28/11	\$430,997.00 430,497.00	Book Paving & Construction 17,000 3.9%		30%	<i>Y</i>	Utilized SBE participant Net SBE's govt 1/21/11 Ann. 7/11/11
Carmino Construction, Inc. 1548 East 367th Street Eastlake, Ohio 44095	Bid Bond, 100% - The Cincinnati Insurance Company	<i>OK</i> 1-20-11 <i>D-OK</i> 1/28/11	\$439,000.00	Chas. Davis, Inc. 72,275 18.54% Cunningham Paving Co. 19,175 5.05% M.E. Central Construction Co. Inc. 26,425 7.05% Coral Bays, Inc. 26,425 7.05% Dempsey Surveying Co. 4,040 1.06% Midland Concrete, 119,765 30.82%		30%	<i>Y</i>	Utilized SBE participants Net SBE's govt 1/21/11 Ann. 7/11/11

\* LOWEST BID REC'D \$ 378,993.00 RANGE OF LOWEST BID REC'D \$ 430,497.00 TO 439,000.00 PRICE PREFER % & \$ LIMIT: 10% 37,899.30 MAX SBE PRICE PREFER % 30%  
LO \$500,000 08

BIDDERS NOTIFIED \_\_\_\_\_ DATE \_\_\_\_\_  
 OBM APPROVAL \_\_\_\_\_  
 (If actual bid exceeds estimate)  
 Tab sheet with SBE \_\_\_\_\_  
 October 1, 2009

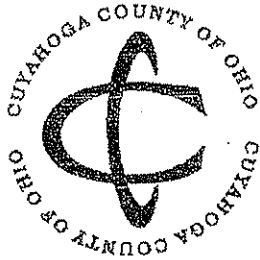
BID DUE DATE January 18, 2011

OFFICE OF PROCUREMENT & DIVERSITY  
 TABULATION OF BIDS RECEIVED OVER \$25,000

REQUISITION NUMBER ST - 11 - 18997 CONTRACT PERIOD N/A  
 REQUISITIONING DEPT. Sanitary Engineers Replacement of Storm & Sanitary Sewers on Granitis & Thraves Roads NUMBER OF ITB'S SENT/RETURNED 16/9  
 COMMODITY DESCRIPTION ESTIMATE \$400,000.00  
 SBE GOALS 30%

TO BE COMPLETED BY OPD AND USER DEPARTMENT (P=PROCUREMENT; D=DEPARTMENT)		TO BE COMPLETED BY CONTRACT COMPLIANCE OFFICER						
BIDDER'S NAME & ADDRESS	BID BOND / CHECK	P - ADMINISTRATIVE D-TECHNICAL REVIEW	ACTUAL BID AMOUNT	SBE SUBCONTRACTOR NAME	PRICE PREFER. IF Y, SEE*	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS
Three J Enterprises, Inc/ 17456 South Meadowpark Drive Walton Hills, Ohio 44146	Bid Bond, 100% - Erie Insurance Company	REJECTED AD Exceeds Est AD 1-20-11 D-OK (initials)	\$464,580.00 EXCEEDS EST 1/28/11	Chas. Lewis Inc. 174,100 4% North Coast Framing 37,500 8% Concrete Ltd 85,000 18%		31%	Y	AMJ 1/27/11 Bidder is a SBE participant As AS partner. Address other SBE's needs SEE govt website 1/27/11 AM 7M 12/11
Nerone & Sons, Inc. 19501 South Miles Road Warrensville Heights, Ohio 44128	Bid Bond, 100% - International Fidelity Insurance Company	REJECTED AD 1-20-11 D-OK (initials)	\$478,935.00 EXCEEDS EST 1/28/11	Chas. Lewis Inc. 57,000 10% Merrillville & Sons Inc. 94,000 20%		30%	Y	AMJ 1/27/11 Bidder is a SBE participant As AS partner. Address other SBE's needs SEE govt website 1/27/11 AM 7M 12/11
Mr. Excavator, Inc. 8616 Euclid-Chardon Road Kirtland, Ohio 44094	Bid Bond, 100% - Merchants Bonding Company (Manual)	REJECTED AD 1-20-11 D-OK (initials)	\$542,373.23 EXCEEDS EST 1/28/11	Thatch Tech Inc. 8,000 1.4%		1.6%	N	AMJ 1/27/11 Bidder is a SBE participant Product delivered starting non-responsiveness or so for contract price 1/27/11 AM 7M 12/11
TY, Inc. 7603 Old Rockside Road Independence, Ohio 44131	Bid Bond, 100% - Travelers Casualty & Surety Company of America	REJECTED AD 1-20-11 D-OK (initials)	\$602,038.50 609,688.50 EXCEEDS EST 1/28/11	North Coast Framing 64,300 10% Ty Insurance Co. 25%		30%	Y	AMJ 1/27/11 Bidder is a SBE participant As AS partner. Also withdrew other SBE's needs SEE govt website 1/27/11 AM 7M 12/11

\* LOWEST BID REC'D \$ RANGE OF LOWEST BID REC'D \$ PRICE PREFER % & \$ LIMIT: MAX SBE PRICE PREFER %



## MEMORANDUM

### MULTIPLE VENDOR PRINCIPAL OWNER (S) IDENTIFICATION SHEET

Please complete the following information:

If there is more than one (1) owner, please complete information for those person(s) as well.

Vendor's Legal Name	LONGO SEWER CONSTRUCTION CO, INC.
Primary Owner	ANNA ROSSI
Title	PRESIDENT

Vendor's Legal Name	LONGO SEWER CONSTRUCTION CO, INC.
Primary Owner	MICHELLE DIPLACITO
Title	VICE-PRESIDENT

Vendor's Legal Name	LONGO SEWER CONSTRUCTION CO, INC.
Primary Owner	MARIA ROSSI
Title	SECRETARY

Vendor's Legal Name	LONGO SEWER CONSTRUCTION CO, INC.
Primary Owner	NILK DIPLACITO
Title	TREASURER

Vendor's Legal Name	
Primary Owner	
Title	

Vendor's Legal Name	
Primary Owner	
Title	

Vendor's Legal Name	
Primary Owner	
Title	

Vendor's Legal Name	
Primary Owner	
Title	

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0096

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Central Services</b>	<b>A Resolution</b> authorizing the County Executive to enter into an amendment (Change Order No. 1) to Contract No. CE900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00.
--	---

WHEREAS, the Department of Public Works has recommended approval of an amendment to Contract No. CE900784-01 with E.S.I. Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00; and,

WHEREAS, the requested additional funds are for the purpose of adding wiring and backbone for the audio retrieval network system being purchased by the County; and,

WHEREAS, the Department of Public Works/Central Services has averred that the audio retrieval network is an essential component of the operation of the 32 courtrooms, providing digital audio recording, transcription, redundant storage, conversion to file formats and file management courtroom proceedings; and,

WHEREAS, the system is currently being requisitioned via State Term contract, from CourtSmart, a provider who supplies hardware and software and does not perform the wiring; and,

WHEREAS, E.S.I. Inc., the site electrical contractor, will install the electrical backbone and wiring, connecting the CourtSmart equipment in the 32 courtrooms.

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

**SECTION 1.** That the County Executive is hereby authorized to enter into an amendment (C.O. No. 1) to Contract No. CE900784-01 with E.S.I. Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash

Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

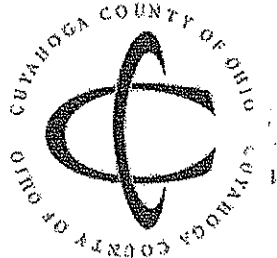
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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



**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Central Services	<b>Agency/Dept. Head Name:</b>	Jay Ross
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Nick Willis	<b>Telephone No.</b>	443-6993

**SUMMARY OF REQUESTED ACTION:**

Central Services, submitting an amendment (C.O.#1) to Contract No. CE900784-01 with E.S.I. Inc. for electrical in connection with Court Interiors for the Juvenile Justice Center, to increase the amount of the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$698,439.00, to increase the contract amount by \$128,000.00 for the Department of Central Services to add wiring and backbone for the Audio Retrieval network system being purchased directly by the County, and declaring the necessity that this Resolution become immediately effective.

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

An Audio Retrieval network is an essential component of the operation of the 32 courtrooms, providing digital audio recording, transcription, redundant storage, conversion to file formats and file management of courtroom proceedings. Such a system was solicited last year on an RFP but only one qualified response was received and that respondent could not perform the complete scope of work, including wiring and backbone.

The system is currently being requisitioned, on a separate action, via State Term contract, from CourtSmart, the provider of the existing system at the Juvenile Court being vacated. CourtSmart provides only hardware and software, and does not perform the wiring. This action is to award the wiring to the site electrical contractor, E.S.I. Inc., as a contract scope addition. E.S.I. would install the electrical backbone and wiring, connecting the CourtSmart equipment in the 32 courtrooms.

Time is of the essence because the building is to be occupied March 24, 2011. A delay will cause extra costs from all contractors.

Principal Owner: Gary Laidman, Vice President

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

Other

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

**Financial Information:**

**Funding source:** Other  
**Explanation:** Capital Projects Funding

**Total Amount Requested:**  
\$128,000.00

**ATTACHMENTS:**

Click to download

- [Change Order #1](#)
- [W-9](#)
- [DMA](#)
- [Campaign Contributions](#)
- [Evaluation Form](#)
- [Electronic Signature](#)
- [History Log](#)
- [BB](#)
- [Voucher](#)

**History**

Time	Who	Approval
2/10/2011 12:34 PM	Office of Procurement & Diversity	Yes
2/11/2011 8:46 AM	Clerk of the Board	Yes
2/14/2011 3:43 PM	County Auditor County Prosecutor Civil	Yes



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0097

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Central Services</b>	<b>A Resolution</b> authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00.
--	---

WHEREAS, the Department of Public Works/Central Services has recommended approval of an amendment to Contract No. CE900784-01 with E.S.I. Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00; and,

WHEREAS, the requested additional funds are for the purpose of adding wiring and antennae connections for the courtroom wireless computer connection system that is being provided by the Information Services Center; and,

WHEREAS, the Information Services Center is procuring the required antennae and software, and the wiring will need to be installed by the project's electrical contractor, E.S.I., Inc.; and,

WHEREAS, E.S.I., Inc. will install patches in the data closets, run cable and install 167 antennae to 167 wireless access points in the 32 courtrooms, including removal and replacement of ceiling tiles.

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

**SECTION 1.** That the County Executive is hereby authorized to enter into an amendment (C.O. No. 2) to Contract No. CE900784-01 with E.S.I. Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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



**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Central Services	<b>Agency/Dept. Head Name:</b>	Jay Ross
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Nick Willis	<b>Telephone No.</b>	443-6993

**SUMMARY OF REQUESTED ACTION:**

Central Services, submitting an amendment (C.O.#2) to Contract No. CE900784-01 with E.S.I. Inc. for electrical in connection with Court Interiors for the Juvenile Justice Center, to increase the amount of the Unforeseen Conditions Cash Allowance from \$698,439.00 to \$836,439.00, to increase the contract amount by \$138,000.00 for the Department of Central Services to add wiring and antennae connections for the courtroom Wireless computer connection system being provided by ISC, and declaring the necessity that this Resolution become immediately effective.

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

The County's ISC Department is to be adding a Wireless computer access network in the 32 courtrooms, to make access easier for judges and attorneys. ISC is procuring the required antennae and software, and the wiring will need to be installed by the project's electrical contractor E.S.I. Inc.

Under this added scope, E.S.I. will install patches in data closets, and run cable & install 167 antennae (provided by ISC) to 167 Wireless Access Points in the 32 courtrooms. Includes removal & replacement of ceiling tiles.

Time is of the essence because the building is to be occupied March 24, 2011. A delay will cause extra costs from all contractors.

Principal Owner: Gary Laidman, Vice President

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

Other

**Explanation for Increase/Decrease in \$ Amount for current request:****Financial Information:****Funding source: Explanation:**

Other Capital Projects Funding

**Total Amount Requested:**

\$138,000.00

**ATTACHMENTS:**

Click to download

- [Change Order #2](#)
- [W-9](#)
- [DMA](#)
- [Campaign Contributions](#)
- [Evaluation Form](#)
- [Electronic Signature](#)
- [History Log](#)
- [BB](#)
- [Voucher](#)

**History**

Time	Who	Approval
2/3/2011 1:01 PM	Office of Procurement & Diversity	Yes
2/4/2011 11:21 AM	Clerk of the Board	Yes
2/7/2011 1:06 PM	County Auditor	Yes
2/14/2011 1:29 PM	County Prosecutor Civil	Yes
2/14/2011 2:07 PM	Clerk of the Board	Yes
	Clerk of the Board	

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0098

Sponsored by: <b>County Executive FitzGerald/ Office of Procurement and Diversity</b>	<b>A Resolution</b> approving an award on RQ19354 to CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center Project; authorizing the County Executive to enter into a contract consistent with said award. (State Contract No. 7706600209/ORC 125.04(B)).
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WHEREAS, the Office of Procurement and Diversity has recommended an award on RQ19354 to CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for the purchase of digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center under State Term Schedule #7706600209, expiration date June 9, 2013; and,

WHEREAS, the digital and audio recording equipment is needed to replace and upgrade all current recording services for Juvenile Court; and,

WHEREAS, the purchase of this equipment will also centralize the DVD publishing archive system and the installation of new audio/video systems for courtrooms which includes eight portable hearing assist systems that are compliant with the Americans with Disabilities Act, and,

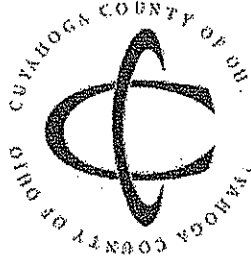
WHEREAS, the Automated Data Processing Board approved this request on January 18, 2011.

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

**SECTION 1.** The recommended award on RQ19354 for the purchase of digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center under State Term Schedule #7706600209, expiration date June 9, 2013, is hereby approved, and the County Executive is authorized to execute a contract with CourtSmart in an amount not-to-exceed \$625,277.00.

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





**Item Details:**

**Agency/Dept. Name:** Office of Procurement and Diversity      **Agency/Dept. Head Name:** Lenora Lockett  
**Type of Request:** Award Recommendation  
**Request Prepared by:** Stephanie White      **Telephone No.:** 443-7203

**SUMMARY OF REQUESTED ACTION:**

Office of Procurement & Diversity, recommending an award to vendor:

**TOTAL AMOUNT REQUESTED: \$625,277.00**

**Department of Central Services**

On RQ19354 to CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for the purchase of digital audio recording equipment for Juvenile Court, Whitlach Building and Metzenbaum in the new Juvenile Justice Center, under State Term Schedule #7706600209, expiration date 06/09/2013. ADP Board Approval: 01/18/2011.

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

**RQ19354**

To CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for the purchase of digital audio recording equipment for Juvenile Court, Whitlach Building and Metzenbaum in the new Juvenile Justice Center. This purchase is needed to replace and upgrade all current recording services for Juvenile Court, Whitlach Building and Metzenbaum in the new Juvenile Justice Center (JJC). This purchase will also centralize the DVD publishing archive system and the installation of new audio/video systems for courtrooms which includes eight (8) portable ADA compliant hearing assist systems.

\*ADP Board Approval: 01/18/2011.

\*State Term Schedule #7706600209, Expiration Date 06/09/2013

\*Primary Ownership of CourtSmart Digital Systems, Inc. 51 Middlesex St., Suite 128 North Chelmsford, MA 01863:

Andrew J. Treinis/President  
(978) 251-3300

**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

- [Bid Tab Sheet](#)
- [COC Form](#)
- [State Term Schedule](#)
- [W-9 Form](#)
- [Primary Ownership Form](#)
- [DMA Form](#)
- [Auditor Findings](#)
- [ADP Board Approval Letter](#)

**History**

**Time**

**Who**

Clerk of the Board

**Approval**



# TABULATION OF BIDS RECEIVED

OFFICE OF PROCUREMENT & DIVERSITY

REQUISITION NO.	<u>CT-11-19354</u>	ESTIMATED COST	<u>\$625,277.00</u>
DEPARTMENT NAME:	<u>Dept. of Central Services</u>	ITB's SENT/RETURNED:	<u>n/a</u>
COMMODITY DESCRIPTION:	<u>Digital Audio Recording System</u>	BID OPENING DATE	<u>Quote dated 1/5/2011</u>

BIDDER's NAME & ADDRESS	\$ AMOUNT BID	AWARD	COMMENTS
CourtSmart Digital Systems, Inc. 51 Middlesex Street, Suite 128 North Chelmsford, MA 01863	\$625,277.00	\$625,277.00	State Contract #7706600209 Index No. STS066 (expires 6/9/2013)  ORC 125.04 (B)
			<b>NEW EQUIPMENT</b> Replace and upgrade all current recording servers for Juvenile Court, Whitlatch Building, and Metzenbaum in the new Juvenile Justice Center (JJC); Plus centralized DVD publishing archive system and installation of new audio/video system for courtrooms, including 8 portable ADA compliant hearing assist systems.  ADP Board Approved 1/18/2011


1/18/2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0099

Sponsored by: <b>County Executive FitzGerald/ Department of Development</b>	A <b>Resolution</b> approving a Rental Rehabilitation loan in the amount not-to-exceed \$150,000.00 to Cleveland Housing Network for the Independence Place Project, located at 4019 Prospect Avenue, Cleveland; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan.
---	--

WHEREAS, the Department of Development has recommended a rental rehabilitation loan in the amount not-to-exceed \$150,000.00 to the Cleveland Housing Network for the Independence Place Project, located at 4019 Prospect Avenue, Cleveland Office; and,

WHEREAS, the recommended loan is federally funded and was reviewed and approved by the Cuyahoga Housing Consortium Review Board on September 9, 2009; and,

WHEREAS, a loan to this project will create 22 units of affordable, permanent supportive housing for women aging out of the foster care system in Cuyahoga County.

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

**SECTION 1.** The County Executive and/or the Director of the Department of Development is hereby authorized to execute all documents required for a rental rehabilitation loan in the amount not-to-exceed \$150,000.00 to the Cleveland Housing Network for the Independence Place Project, located at 4019 Prospect Avenue, Cleveland, Ohio.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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



**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Development	<b>Agency/Dept. Head Name:</b>	Dorothy Baunach, Interim Director
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Sara Parks Jackson	<b>Telephone No.</b>	216-443-8160

**SUMMARY OF REQUESTED ACTION:**

Recommending a Rental Rehabilitation loan to Cleveland Housing Network for the project known as Independence Place in the amount not-to-exceed \$150,000.00, located at 4019 Prospect Avenue in Cleveland, Ohio; requesting authority for the County Executive, Deputy Chief of Staff for Economic Development, or Director of Development to execute all documents required in connection with said loan.

This federally funded loan request was reviewed and approved by the Cuyahoga Housing Consortium Review Board at its regular meeting on September 9, 2009. A briefing memorandum with further information is attached.

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

A loan to this project will create 22 units of affordable, permanent supportive housing for women aging out of the foster care system in Cuyahoga County.

Cleveland Housing Network, Rob Curry Executive Director - Developer  
YWCA, Irene Collins, COO and CFO - Owner

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

Other

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

n/a

**Financial Information:**

**Funding source:**      **Explanation:**  
Federal                      Home Investments Partnership Program (HOME Program)

**Total Amount Requested:**  
\$150,000.00

**ATTACHMENTS:**

Click to download

[Briefing Memorandum](#)

**History**

**Time**

**Who**

Clerk of the Board

**Approval**

  
Copyright 2001-2009

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0100

Sponsored by: <b>County Executive FitzGerald/ Department of Development</b>	<b>A Resolution</b> approving an economic development loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161st Street, Brook Park; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan.
---	---

WHEREAS, the Department of Development has recommended an economic development loan rental rehabilitation loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161 Street, Brook Park, Ohio; and,

WHEREAS, DBS Property Management is an affiliated company of DBS Communications and the \$252,000 renovation and expansion project will create three new jobs over three years; and,

WHEREAS, the County's Economic Development Loan Committee reviewed the request on August 11, 2010 and recommended approval and the loan was approved by the legislative authority of the former government on October 7, 2010.

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

**SECTION 1.** The County Executive and/or the Director of the Department of Development are hereby authorized to execute all documents required for a an economic development loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161 Street, Brook Park, Ohio.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

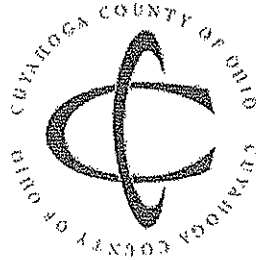
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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



**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Development	<b>Agency/Dept. Head Name:</b>	Baunach
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Arnold Lockett	<b>Telephone No.</b>	216-443-3159
<b>SUMMARY OF REQUESTED ACTION:</b>			
<p>Recommending a loan to DBS Property Management, LLC in the amount not to exceed \$100,800 to assist in the expansion/renovation of a their existing facility located at 5061 West 161 Street, Brook Park, Ohio; requesting authority for the Director of Development or Chief of Staff for Development to execute the loan documents, amendments, subordination agreements and other instruments and agreements with such parties that may be required or appropriate to effectuate the loan.</p> <p>The County's Economic Development Loan Committee reviewed the request on August 11, 2010 and recommended approval by the Board of Cuyahoga County Commissioners. The BOCC approved this loan on October 7, 2010.</p>			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
<p>Department of Development, recommending an economic development loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161st Street, Brook Park; requesting authority for the Director of Development or the Deputy Chief of Development to execute all documents required in connection with said loan.</p> <p>DBS Property Management is an affiliated company of DBS Communications. The \$252,000 renovation/expansion project will create 3 new jobs over 3 years. A detailed project loan write-up is attached.</p>			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

--



**Procurement Method:**

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

**Financial Information:**

**Funding source:**      **Explanation:**  
Federal                      Community Development Block Grant

**Total Amount Requested:**  
\$100,800.00

**ATTACHMENTS:**

Click to download

- [Previous Approved Resolution](#)
- [Loan Write-up](#)

**History**

**Time**

**Who**

Clerk of the Board

**Approval**

[http://www.maryland.gov/ohmweb/ohmweb.cfm](#)

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0101

Sponsored by: <b>County Executive FitzGerald/ Department of Development</b>	<b>A Resolution</b> authorizing the issuance and sale of Self-supporting Housing Revenue Bonds in an amount not-to-exceed \$6,500,000.00 for Famicos Doan Classroom LLC for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a Loan Agreement, Bond Purchase Agreement, Trust Indenture and Tax Regulatory Agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective.
---	---

**WHEREAS**, the County of Cuyahoga, Ohio (the "*County*"), a county and political subdivision in and of the State of Ohio (the "*State*"), is authorized and empowered by virtue of the laws of the State, including without limitation, Article VIII, Section 16 of the Ohio Constitution and Section 133.51 of the Ohio Revised Code (collectively, the "*Act*"), among other things, to: (i) acquire, finance, refinance, construct, renovate, improve and equip real and personal property to provide for senior housing and multifamily housing; (ii) issue its revenue bonds for the purpose of paying the costs thereof; (iii) enter into a loan agreement to provide for the loan of the proceeds of and revenues to pay the principal of and interest and any premium on those revenue bonds; (iv) secure those revenue bonds by the pledge and assignment of payments made to it under the loan agreement, and (v) adopt this Resolution, to enter into the Issuer Documents (as hereinafter defined), and to execute and deliver certain other statements, documents and instruments upon the terms and conditions provided in this Resolution and those documents and instruments; and

**WHEREAS**, this Council of the County of Cuyahoga, Ohio (the "*Council*"), pursuant to the foregoing authority and at the request of, and based upon the representations of, Famicos Doan Classroom LLC, an Ohio limited liability company (the "*Borrower*"), has determined that it is willing to authorize the issuance and sale of the County's Housing Revenue Bonds, Series 2011 in the maximum principal amount of \$6,500,000 to finance costs of rehabilitating, improving and equipping real and personal property located in the City of Cleveland to be used as an affordable senior housing facility containing approximately 45 units, to be owned by the Borrower (the "*Project*"), and in connection with that issuance and sale, to adopt this Resolution, to enter into the

Issuer Documents and to execute and deliver certain other statements, documents and instruments upon the terms set forth in this Resolution and those documents and instruments; and

**WHEREAS**, the Bonds will be issued pursuant to the provisions of the Act and a Trust Indenture (the "*Indenture*"), by and between the County and The Huntington National Bank, as trustee (the "*Trustee*"); and

**WHEREAS**, the operation of the Project will be subject to the provisions of a Tax Regulatory Agreement by and among the County, the Trustee, and the Borrower (the "*Regulatory Agreement*") and other tax-related agreements which are intended to ensure the excludability of interest on the Bonds from the gross income of the owners of the Bonds for federal income tax purposes; and

**WHEREAS**, the Bonds shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of moneys raised by taxation or the faith and credit of the County, the State or any political subdivision thereof, and the holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by this Council or the County, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges or any other costs of the Project, and the Bonds will be payable solely from revenues of the Project and other monies available to the Borrower; and

**WHEREAS**, providing for the financing of the Project will confer a public benefit and serve the public interest by lowering the cost of maintaining, and expanding available housing opportunities for low and moderate income senior residents in the County, all in accordance with, and in furtherance of, the purposes of the Act.

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

**SECTION 1. Definitions and Interpretations.** All words and terms used herein as defined words and terms but not otherwise defined herein shall have the respective meanings given to them in the Indenture unless the context or use clearly indicates another or different meaning or intent:

*"Authorized Denominations"* means a denomination of \$5,000 or any whole multiple thereof.

*"Bond Counsel"* means the firm of Squire, Sanders & Dempsey (US) LLP or another firm of attorneys nationally recognized as having expertise with respect to the validity of obligations of states, political subdivisions and other public bodies and the treatment for federal income taxation of interest on those obligations.

*“Bond Purchase Agreement”* means the Bond Purchase Agreement among the Issuer, the Borrower and the Original Purchaser in connection with the sale and delivery of the Bonds.

*“Code”* means the Internal Revenue Code of 1986, the Treasury Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a section of the Code includes any applicable successor section or provision and the applicable Treasury Regulations, rulings, announcements, notices, procedures and determinations pertinent to that section.

*“County Executive”* means the County Executive of the County.

*“Depository”* means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record ownership of book entry interests in the Bonds, and to effect transfers of book entry interests in the Bonds, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

*“Loan Agreement”* means the Loan Agreement, dated as of the date of the Indenture, between the County and the Borrower.

*“Fiscal Officer”* means the Fiscal Officer of the County.

*“Issuer Documents”* means the Indenture, the Loan Agreement, the Regulatory Agreement, the Assignment, if any, and the Bond Purchase Agreement.

*“Original Purchaser”* means The Sturges Company, Dublin, Ohio.

Any reference to this Council, the County or to its members or officers, or to other public officers, boards, commissions, departments, institutions, agencies, bodies or entities, shall include those which succeed to their functions, duties or responsibilities by operation of law and also those who at the time may legally act in their place.

Any reference to a section or provision of the Ohio Constitution or the Ohio Revised Code or other laws of the State shall include such section, provision and laws as may from time to time be amended, modified, revised or superseded, provided that no amendment, modification, revision, supplement or superseding section, provision or chapter shall be applicable solely by reason of this provision if it constitutes in any way an impairment of the rights or obligations of the County, the Holders, the Trustee, this Resolution, the Bonds, or any other instrument or document entered into in connection with any of the foregoing.

**SECTION 2. Authorization of the Bonds.** Based upon the representations of the Borrower, this Council finds and determines that (A) it is necessary to, and the County shall, issue, sell and deliver, as provided and authorized herein and pursuant to the Act, self-supporting housing revenue bonds (the “Bonds”) of the County in an aggregate principal amount not to exceed \$6,500,000, for the purpose of paying (i) costs of rehabilitating, improving and equipping the Project, (ii) interest to accrue on the Bonds from their date and during the estimated construction and renovation period of the Project, and (iii) certain costs associated with the issuance of the Bonds; and (B) the Project and the financing thereof by the issuance of the Bonds will further the public purpose of better providing adequate housing in this County and the State and improving the economic and general well-being of the people of the County and the State. The Bonds shall be designated “County of Cuyahoga, Ohio Housing Revenue Bonds, Series 2011 (Doan Classroom Apartments Project).”

**SECTION 3. Terms and Provisions of the Bonds**

(a) Bond Terms. The Bonds shall (i) be issuable only in fully registered form and substantially as set forth in the Indenture; (ii) be exchangeable only for Bonds of the same series in Authorized Denominations, as provided in the Indenture; (iii) be numbered in a manner determined by the Trustee which will distinguish each Bond of a series from each other Bond of that series; (iv) be dated as set forth in the Indenture, provided that such date shall not be later than December 31, 2011; (v) bear interest from the most recent date to which interest has been paid or duly provided for, or if no interest has been paid or duly provided for, from their date of delivery, at the rates set forth in the Indenture, provided that the rates for the Bonds shall not exceed 7% per year (computed on a 360-day per year basis); (vi) payable on the interest payment dates set forth in the Indenture and the Indenture; (vii) be subject to optional redemption, extraordinary optional redemption and mandatory redemption, including mandatory sinking fund redemption, in accordance with the Indenture; and (viii) mature, subject to prior redemption as set forth above, on the dates set forth in the Indenture, the final maturity date of which shall not exceed 30 years from their date of delivery.

(b) Method of Payment; Paying Agents. The principal of and any premium and interest on the Bonds (the “*Bond Service Charges*”) shall be payable as provided in the Indenture without deduction for the services of any paying agent. The Trustee initially shall be paying agent for the Bonds and may designate additional paying agents as provided in the Indenture.

(c) Execution. The Bonds shall be signed by the County Executive. Neither the County Executive, the members of this Council nor any person executing the Bonds shall be liable personally on the Bonds by reason of issuance thereof. In case the County Executive shall cease to be in office before the issuance or delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until after that time.

(d) Book-Entry System. The Bonds are permitted, but not required, to be issued to the Depository for holding in a book-entry system as provided in the Indenture, as the official(s) or member(s) executing and delivering the Indenture shall approve in the manner described in and under authority of Section 8 hereof.

#### **SECTION 4. Sale of the Bonds.**

(a) Generally. The Bonds are sold and awarded to the Original Purchaser on such terms that are in accordance with the Act, are authorized or not inconsistent with this Resolution, are not materially adverse to the County, and as are provided for or specified in the Bond Purchase Agreement. The purchase price for the Bonds may not be less than 98% of the aggregate principal amount of the Bonds (or, if the Bonds are sold at any original issue discount, 98% of the amount resulting from the subtraction of the aggregate net original issue discount from the aggregate original principal amount of the Bonds), plus any interest accrued on Bonds from their date to their delivery date. The original issue discount, if any, shall not exceed in the aggregate 5%. The County Executive, or the Fiscal Officer at the direction of the County Executive, are authorized and directed to execute the Bond Purchase Agreement, in order to provide for the definitive terms and terms of sale and award to the Original Purchaser of the Bonds as provided in this Resolution, but in any event not later than December 31, 2011. The Bond Purchase Agreement shall not be inconsistent with this Resolution, and shall be approved by the County Executive, or the Fiscal Officer at the direction of the County Executive, their execution of the Bond Purchase Agreement to constitute conclusive approval, and a finding that the terms are not materially adverse to the County, on behalf of the County.

The County Executive, the Clerk of this Council and the Fiscal Officer are authorized and directed, alone or together, to make the necessary arrangements, as directed by the Trustee and upon the advice of Bond Counsel, with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to the Original Purchaser. The County Executive is further authorized and directed to make the necessary arrangements for the printing of the Bonds and the execution, authentication and delivery of the Bonds to the Original Purchaser under the terms of this Resolution, the Indenture and the Bond Purchase Agreement.

(b) Official Statement. The County hereby consents to the use and distribution by the Original Purchaser of an offering document, in its preliminary and final forms, relating to the original issuance of the each series of Bonds. Except to the extent described in the Bond Purchase Agreement, the County has not confirmed, and assumes no responsibility for, the truthfulness, accuracy, completeness, sufficiency or fairness of any statements in the offering document, in its preliminary and final forms, or any amendments thereof or supplements thereto, or in any reports, financial information, offering or disclosure documents or other information relating to the Original Purchaser, the Lender, the Trustee, the Project, the Borrower or the history, businesses, properties, organization,

management, financial condition, market area or any other matter relating to the Borrower or contained otherwise in the offering document, or with respect to the Depository, any federally insured mortgage loan program, any investment agreements and the providers thereof, or the Original Purchaser.

**SECTION 5. Loan and Terms Thereof.** This Council authorizes and approves the loan of the Bond proceeds by the County to the Borrower pursuant to the terms of the Indenture, the Loan Agreement and the Regulatory Agreement, each substantially in the form now on file with the Clerk of this Council, to assist in financing the Project.

**SECTION 6. Security for the Bonds.** The Bonds shall be special, limited obligations of the County and the principal of and any premium and the interest on the Bonds shall be (i) payable solely from the revenues pledged therefor in the Indenture and (ii) secured by the trust estate identified in the Indenture.

Anything in this Resolution or the Bonds to the contrary notwithstanding, the Bonds do not and shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of moneys raised by taxation or the faith and credit of the County, the State or any political subdivision thereof, and the holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by this Council or the County, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges or any other costs of the Project, and the Bonds will be payable solely from revenues of the Project and other monies available to the Borrower. The Bonds shall contain a statement to that effect and to the effect that the Bonds are payable solely from the sources specified in the Indenture and any amounts received by the Trustee pursuant to the Indenture and the Assignment, if any, and from any other moneys paid by the Borrower or obtained by the Trustee upon the exercise of rights and remedies under the Loan Agreement or Indenture.

**SECTION 7. Covenants and Agreement of County.** In addition to the other covenants of the County set forth in this Resolution and the Issuer Documents, the County further covenants and agrees as follows:

(a) Authority and Actions. The County is, and upon delivery of the Bonds will be, duly authorized by the laws of the State, particularly and without limitation the Act, to issue the Bonds, to execute and deliver the Issuer Documents and other instruments and documents to which it is a party, to provide the security for payment of the principal of and any premium or interest on the Bonds solely in the manner and from the sources and to the extent set forth herein, all as authorized by this Council and upon the advice of Bond Counsel. All actions on the part of the County for the issuance of the Bonds and the execution and delivery of the Issuer Documents and such other instruments and documents have been or will be duly and effectively taken. The Bonds will be valid and enforceable special obligations of the County according to the terms thereof. Each duty of the County and of its officers and employees undertaken pursuant to the

Bonds and the Issuer Documents, is a duty specifically enjoined by law upon the County and each of those officers and employees having authority thereunder or by provision of law to perform the duty, resulting from an office, trust or station, within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

(b) Arbitrage and Tax Compliance Provisions; Transcript. Upon the advice of Bond Counsel and to the extent within its authority and control, the County will restrict the use of the proceeds of the Bonds in such manner and to such extent as is necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. The members of this Council, the County Executive, the Fiscal Officer or the Clerk of this Council or any other officer of the County having responsibility for the issuance of the Bonds, alone or in conjunction with the Borrower or any officer, employee or agent of or consultant to the Borrower, shall give an appropriate certificate of the County for inclusion in the transcript of proceedings for the Bonds setting forth the reasonable expectations of the County regarding the amount and use of all of the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds.

Upon the advice of Bond Counsel, and to the extent within its authority and control, the County (i) will take, or require to be taken, all actions that are required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (ii) will not knowingly take or authorize to be taken any actions that would adversely affect that exclusion under the provisions of the Code. The members of this Council, the County Executive, the Fiscal Officer and the Clerk of this Council and any other appropriate officers are hereby authorized and directed to take any and all actions and make or give such reports and certifications, as may be appropriate to assure such exclusions of that interest.

In its performance of these covenants, and other covenants of the County pertaining to federal income tax laws, the County may rely upon the advice of Bond Counsel.

The Clerk of this Council shall furnish to the Original Purchaser a true transcript of proceedings, certified by the Clerk, of all proceedings had with reference to the issuance of the Bonds together with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

(c) Further Assurances. To the extent within its authority and control, the County shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on its part under the Issuer Documents. Nothing herein or in the Issuer Documents shall be construed as requiring the County to operate the Project or to use any moneys from any source other than those provided in the Indenture and the Loan Agreement.



**SECTION 8. Issuer Documents.** To provide for the issuance and sale of the Bonds and the consummation of the transactions contemplated herein, the County Executive and the Fiscal Officer at the direction of the County Executive, alone or in conjunction with any of the foregoing, are authorized and directed to execute, acknowledge and deliver, for and in the name and on behalf of the County, each Issuer Document, in substantially the respective forms thereof submitted to and approved by this Council and the County's legal officer. The Issuer Documents are approved with any changes therein which are not inconsistent with this Resolution, are not adverse to the County, are permitted by the Act, and are approved by the member or members or officer or officers executing the respective Issuer Documents and by the County's legal officer. The approval of those changes by such member or members or officer or officers, and the character of those changes as not being adverse to the County, shall be evidenced conclusively by the execution and delivery of the respective Issuer Documents by such member or members or officer or officers. The Fiscal Officer is authorized to give any certifications that may be required under Ohio Revised Code Sections 5705.41 and 5705.44 with respect to any of the Issuer Documents.

**SECTION 9. Other Documents.** The County Executive, the President of the Council, the Fiscal Officer, the Clerk of the Council or any other officer of the County, alone or in conjunction with any of the foregoing, are authorized and directed to execute, deliver and, if applicable, file, for and in the name and on behalf of the County, any certifications, financing statements, assignments and other instruments and documents which are, in the opinion of the County's legal officer and Bond Counsel to the County, necessary or appropriate to perfect the assignments contemplated in the Indenture or the Loan Agreement and to consummate the transactions contemplated in the Issuer Documents, including the issuance of the Bonds. Those certifications and other instruments and documents include, without limitation, one or more reports on IRS Form 8038 (including Forms 8038-R and 8038-T), any other certifications and forms necessary or advisable under the Code and a certification by the Clerk of this Council of the transcript of proceedings relating to the issuance of the Bonds. The Borrower is hereby authorized and directed, upon the request or direction of the County, to file any such certifications or instruments that require filing.

**SECTION 10. Acknowledgement of Assignment.** The County acknowledges that pursuant to the Assignment, the County will assign without recourse its rights under the Indenture and Loan Agreement to the Trustee, except for Unassigned Issuer's Rights (as defined in the Loan Agreement).

**SECTION 11. Prevailing Wage Rates.** All laborers and mechanics employed on the Project shall, in accordance with policies heretofore established by the County, be paid at the residential prevailing rates of wages of laborers and mechanics for the classes of work called for by the Project, which wages shall be determined in accordance with the requirements of Section 176.05 and Chapter 4115, Ohio Revised Code, for determination of prevailing wage rates.

The Borrower shall comply, and shall require compliance by all contractors or subcontractors working on the installation of the Project, with all applicable requirements of Section 176.05 and Sections 4115.03 through 4115.16, Revised Code, including, without limitation obtaining or causing to be obtained, from the State its determination of the prevailing rates of wages to be paid for the class of work called for by the Project, and ensuring that all contractors and subcontractors receive notification of changes in prevailing wage rates as required under Section 4115.05, Revised Code. Concurrently with issuance of the Bonds and at such times as the County requests, the Borrower shall be required to provide the County with evidence, satisfactory to the County, that there has been compliance with the foregoing agreements. None of the requirements of this Section shall be applicable to the Borrower unless the Bonds are issued. The requirements of this Section are subject to preemption by any controlling federal law.

**SECTION 11. Tax Credit Allocation.** This Council hereby preliminarily finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, this Council has relied exclusively upon representations of the Borrower. The foregoing determinations shall not be construed to be a representation or warranty by this Council or the Issuer as to the feasibility or viability of the Project. This Council hereby authorizes and directs any member of this Council to make the foregoing determination again for and on behalf of this Council at the request of the Borrower, following receipt of supporting materials submitted by the Borrower to the Ohio Housing Finance Agency (“OHFA”) and either written representations of the Borrower or of the OHFA to the effect that (i) the amount of tax credits to be allocated to the Project under Section 42 of the Code does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project and (ii) the Project satisfies the requirements for the allocation of a housing credit dollar amount under OHFA’s qualified allocation plan. In reliance upon the representations of the Borrower, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under OHFA’s qualified allocation plan.

**SECTION 12. No Personal Liability.** No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Resolution, or in the Bonds, or in the Issuer Documents, or under any judgment obtained against the County or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any officer or employee as such, past, present, or future, of the County, including any member of the Council, either directly or through the County, or otherwise, for the payment for or to the County or any receiver thereof, or for or to the Holder, or otherwise, of any sum that may be due and unpaid by the County upon any of the Bonds. Any and all personal liability of

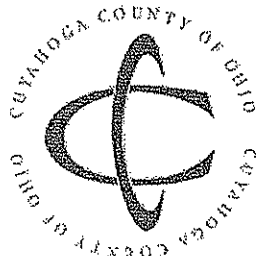
every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer or employee, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the County or any receiver thereof, or for or to the Borrower or the Holder, or otherwise, of any sum that may remain due and unpaid upon any Bond, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Issuer Documents and the issuance of the Bonds.

**SECTION 14.** A public hearing of this Council shall be held at the Chambers of the Council of Cuyahoga County, 1274 W. 3<sup>rd</sup> Street, Cleveland, Ohio 44113, on the 21 day of March, 2011 at 3:30 p.m., local time, for the purpose of hearing objections and/or public comment on the issuance said bonds.

**SECTION 15. Open Meeting** This Council hereby finds and determines that all formal actions of this Council and its committees concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22, Ohio Revised Code.



# NOVUS AGENDA



## Item Details:

<b>Agency/Dept. Name:</b>	Department of Development	<b>Agency/Dept. Head Name:</b>	Dorothy Baunach, Interim Director
<b>Type of Request:</b>			
<b>Request Prepared by:</b>	Sara Parks Jackson	<b>Telephone No.</b>	216-443-8160
<b>SUMMARY OF REQUESTED ACTION:</b>			
<p>Department of Development/Squire, Sanders and Dempsey, L.L. P., requesting a Tax Equity and Fiscal Responsibility Act (TEFRA) hearing and; requesting a resolution authorizing the issuance and sale of \$6,500,000 self supporting Housing Revenue Bonds for the benefit of Doan Classroom Apartments Project, pursuant to chapter 133 of the Ohio Revised Code in one or more series, in an amount not to exceed \$6,500,000 to finance the costs of rehabilitating, furnishing, equipping and improving a housing facility for low and very low income citizens, authorizing the execution of an agreement related thereto and authorizing all necessary appurtenances thereto.</p>			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
<p>Famicos Foundation proposes to acquire and renovate the 45 unit Doan Classroom Apartments located at 1350 East 105 in Cleveland, Ohio. This \$11 million dollar project will involve the acquisition and rehabilitation of the building and allow the county to retain 45 affordable rental units. Cuyahoga County will have no liability for bond repayments. The County Commissioners previously authorized a \$1.5 million loan of federal Neighborhood Stabilization Program funds. The project also has Neighborhood Stabilization Program loan agreements with the City of Cleveland and the State of Ohio.</p>			
<b>Explanation for late submittal:</b>			

## Contract/Agreement Information:

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

**Financial Information:**

<b>Funding source:</b>	<b>Explanation:</b>
Other	Multifamily Housing Revenue Bonds
<b>Total Amount Requested:</b>	
\$	

**ATTACHMENTS:**

Click to download

[public notice](#)

[draft resolution](#)

**History**

**Time**

**Who**

Clerk of the Board

**Approval**

2009/02/26 10:10:10 AM

  
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# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0102

Sponsored by: <b>Juvenile Court through County Executive FitzGerald</b>	A <b>Resolution</b> authorizing Juvenile Court through the County Executive to enter into an agreement with Cuyahoga County Department of Justice Affairs, Office of Mediation in the amount not-to-exceed \$400,000.00 for the Juvenile Court Custody Mediation Project for the period 2/1/2011 - 1/31/2012.
---	---

WHEREAS, Juvenile Court has requested authorization for an agreement between Juvenile Court and the Cuyahoga County Department of Justice Affairs, Office of Mediation, for the Juvenile Court Custody Mediation Project, in an amount not-to-exceed \$400,000 for the period February 1, 2011 through January 31, 2012; and,

WHEREAS, the proposed contract in for the same amount as the prior year; and,

WHEREAS, 69% of mediated cases referred to the Department of Justice Affairs, Office of Mediation result in a mediation disposition, and 75% of mediations that resulted in a mediation disposition will not come back to the Court as official filings within 12 months of the case termination date; and 100% of cases will have mediators assigned to them within five working days of the filing date; and 95% of mediators will complete their mediation work within 45 days of the case filing date.

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

**SECTION 1.** Council hereby authorizes the execution of an agreement between Juvenile Court and the Cuyahoga County Department of Justice Affairs, Office of Mediation, in the amount not-to-exceed \$400,000 for the Juvenile Court Custody Mediation Project, for the period February 1, 2011 through January 31, 2012.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

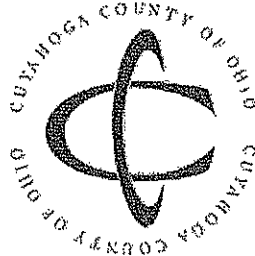
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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





**Item Details:**

<b>Agency/Dept. Name:</b>	Juvenile Court	<b>Agency/Dept. Head Name:</b>	Marita Kavalec
<b>Type of Request:</b>	Agreement/Amendment		
<b>Request Prepared by:</b>	Karen Lippmann	<b>Telephone No.</b>	698-4791
<b>SUMMARY OF REQUESTED ACTION:</b>			
Submitting an agreement in the amount of \$400,000.00 with the Cuyahoga County Department of Justice Affairs, Office of Mediation for the Juvenile Court Custody Mediation Project for the period from February 1, 2011 through January 31, 2012.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
1. 69% of mediated cases referred to the VENDOR will result in a mediation disposition. 2. 75% of mediations that resulted in a mediation disposition will not come back to the COURT as official filings within 12 months of the case termination date. 3. 100% of cases will have mediators assigned to them within five (5) working days of filing date. 4. 95% of mediators will complete their mediation work within forty-five (45) days of case filing date. 5. VENDOR's Intake staff will review 100% case files for completeness and prepare necessary paperwork to allow for Mediators to be assigned within five (5) days of Intake acceptance.			
<b>Explanation for late submittal:</b>			
late submittal was due to contract negotiation and new county process			

**Contract/Agreement Information:**

<b>Procurement Method:</b>
Exempt from Competitive Bid Requirements
<b>Explanation for Increase/Decrease in \$ Amount for current request:</b>

**Financial Information:**

**Funding source:**      **Explanation:**

**Total Amount Requested:**  
\$400,000.00

**ATTACHMENTS:**

Click to download

- [DJA custody mediation agree](#)
- [DJA custodymediation audit](#)
- [Evaluation form](#)
- [YB](#)
- [Voucher](#)

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
2/9/2011 10:02 AM	Clerk of the Board	Yes
2/9/2011 2:34 PM	County Auditor	Yes
2/14/2011 1:22 PM	County Prosecutor Civil	Yes
2/14/2011 2:06 PM	Clerk of the Board	Yes
	Clerk of the Board	

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

**Contractor:** Cuyahoga County Department of Justice Affairs Office of Mediation

**Contract/Agreement No.:** AG1000178 **Time Period:** February 1, 2010 – January 31, 2011

**Service Description:** Juvenile Court Custody Mediation Program

**Original Contract/Agreement Amount:** \$400,000.00

**Prior Amendment(s) Amount(s):** N/A

**Performance Indicators:**

1. 69% of mediated cases referred to the VENDOR will result in a mediation disposition.
2. 75% of mediations that resulted in a mediation disposition will not come back to the COURT as official filings within 12 months of the case termination date
3. 100% of cases will have mediators assigned to them within seven (7) working days of filing date.
4. 95% of mediators will complete their mediation work within forty-five (45) days of case filing date
5. 100% of the walk-in inquiries will be assisted immediately by the VENDOR's intake staff.

**Actual performance versus performance indicators (include statistics):**  
See below

**Rating of Overall Performance of Contractor (Check One):**

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

**Justification of Rating:**

Pete Pauza - Juvenile Court  
User Department

2-9-11  
Date

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0103

Sponsored by: <b>County Executive FitzGerald/Department of Health and Human Services</b>	A <b>Resolution</b> authorizing the County Executive to prepare and enter into an amendment to Contract No. CE1000249-01 with Oriana House, Inc. for operation of a Neighborhood Reentry Resources Center for the period 2/1/2010 - 1/31/2011 to exercise an option to extend the time period to 1/31/2012, to change the scope of services and the terms, effective 2/1/2011, and for additional funds in the amount of \$287,000.00
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WHEREAS, the Department of Health and Human Services has requested authorization to prepare an amendment to Contract No. CE1000249-01 with Oriana House, Inc. for operation of a Neighborhood Reentry Resources Center for the period February 1, 2010 through January 31, 2011 to exercise the option to extend the time period to January 31, 2012, to change the scope of services and the terms, effective February 1, 2011, and for additional funds in the amount of \$287,000.00.

WHEREAS, the selected provider, Oriana House, will operate a free-standing Neighborhood Reentry Resource Center for a minimum of 40 hours per week to provide a secure facility for Cuyahoga County reentrants to the community following incarceration and/or involvement with the juvenile justice system.

WHEREAS, the facility will be available to supportive family and friends of reentrants and shall provide information about community resources and will have a computer lab, classrooms and meeting rooms available for reentry at this location.

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

**SECTION 1.** The County Executive is hereby authorized to prepare and execute an amendment to Contract No. CE1000249-01 with Oriana House, Inc. for operation of a Neighborhood Reentry Resources Center for the period February 1, 2010 through January 31, 2011 to exercise the option to extend the time period to January 31, 2012, to change the scope of services and the terms, effective February 1, 2011, and for additional funds in the amount of \$287,000.00.

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

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

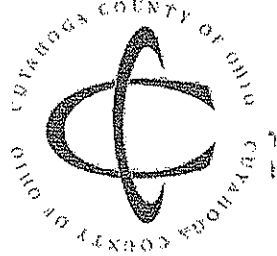
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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



**Item Details:**

<b>Agency/Dept. Name:</b>	Administrator's Office/Health and Human Services	<b>Agency/Dept. Head Name:</b>	Rick Werner
<b>Type of Request:</b>	Authority To Prepare		
<b>Request Prepared by:</b>	Mary Kelley	<b>Telephone No.</b>	443-7721
<b>SUMMARY OF REQUESTED ACTION:</b>			
Requesting authority to prepare an amendment to a contract with Oriana House for Operation of the North Star Reentry Resource Center for the period February 1, 2011 through January 31, 2010 for additional funds in the amount of \$287,000.00.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
The selected provider, Oriana House, Inc. will operate a free-standing Neighborhood Reentry Resource Center for a minimum of 40 hours per week to provide a secure and welcoming facility for Cuyahoga County reentrants to the community following incarceration and/or involvement with the criminal justice system. The facility will also be available to supportive family and friends of reentrants. The facility shall provide information about resources and opportunities that are available through the robust network of programming in the community. A computer lab, classrooms and meeting rooms will be available for reentry services at this location.			
James Lawrence, CEO Oriana House, Inc. Oriana House, Inc. is a non-profit organization 885 East Buchtel Avenue PO Box 1501 Akron, OH 44309-2233			
<b>Explanation for late submittal:</b>			

**Contract/Agreement Information:**

<b>Procurement Method:</b>
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Other

**Explanation for Increase/Decrease in \$ Amount for current request:**  
requesting another year of service

**Financial Information:**

**Funding source:**      **Explanation:**  
General Fund              HHS General Levy

**Total Amount Requested:**  
\$287,000.00

**ATTACHMENTS:**

Click to download

- [Comprehensive program assessment evaluation score sheet](#)
- [option clause](#)
- [prosecutor email](#)
- [blue back](#)
- [amendment](#)
- [appendix a](#)
- [appendix b](#)
- [appendix c](#)
- [Evaluation](#)

**History**  
Time

**Who**  
Clerk of the Board

**Approval**

**Cuyahoga County  
Contract Evaluation Form**

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

**Contractor: Oriana House, Inc.**

**Contract No.: CE1000249-01**

**Time Period: 2/1/10-1/31/11**

**Service Description:** The provider will operate a facility known as the North Star Neighborhood Reentry Resource Center. (NRRC) This facility will provide a welcoming space for citizens returning from incarceration and their families and provide information about services and opportunities available to reentrants as well as providing space for community programming and related meetings.

**Original Contract Amount: \$287,000.00**

**Prior Amendment Amount: \$-0-**

**Performance Indicators:**

Operate the NRRC for a minimum of 40 hours per week.

Recruit a minimum of 360 members.

Provide a welcome/lounge area in which any visitor will be greeted and provided with reentry information.

Provide assessment and referral follow-up.

Provide reentry programming including, but not limited to: computer lab and training, job search assistance, alcohol/substance recovery programming, life skills and cognitive behavioral training, community voice mail, at least 100 classes/meetings/service offerings per year.

Increased knowledge of available resources – at least 60% of surveyed clients indicate that they know more about available resources.

Client satisfaction with services provided – at least 75% of those surveyed report satisfaction with provided services.

**Actual Performance versus performance indicators (including statistics):**

Superior. Office of Reentry has attached a copy of the Comprehensive Program Assessment as backup material.

**Rating of Overall Performance of Contract (Check One).**

Superior

Above Average

Average

Below Average

Poor

**Justification of Rating:**

Services provided are superior. The contractor has met and exceeded expectations. The office also undertakes a yearly Comprehensive Program Assessment. Provider achieved a score of 94% compliance out of a possible 100%.

**Mary Kelley, Program Services Manager Office of Reentry 1/24/11**



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0104

<b>Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Child Support Enforcement Agency</b>	<b>A Resolution</b> authorizing the County Executive to enter into Title IV-D Cooperative Agreement contracts with various providers for child support services for the period 1/1/2011 - 12/31/2011: (1) the Court of Common Pleas/Division of Domestic Relations in an amount not-to-exceed \$2,082, 307.49, (2) the Court of Common Pleas/Juvenile Court in an amount not-to-exceed \$2,218,669.89, and (3) the Office of the Prosecuting Attorney of Cuyahoga County in an amount not-to-exceed \$2,257,588.70.
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WHEREAS, the Department of Health and Human Services/Child Support Enforcement Agency (CSEA) is requesting approval for three (3) Title IV-D Cooperative Agreement contracts for the period January 1, 2011 through December 31, 2011 with: (1) the Court of Common Pleas/Division of Domestic Relations in an amount not-to-exceed \$2,082, 307.49, (2) the Court of Common Pleas/Juvenile Court in an amount not-to-exceed \$2,218,669.89, and (3) the Office of the Prosecuting Attorney of Cuyahoga County in an amount not-to-exceed \$2,257,588.70; and,

WHEREAS, Title IV Cooperative Agreement contracts are mandated by O.R.C. 3125.14, and the Ohio Department of Jobs and Family Services (ODJFS) regulations in order to specify the services which will be rendered by each of aforementioned entities pertaining to the establishment, modification, and enforcement of Child Support Obligations, in accordance with applicable child support regulations; and,

WHEREAS, the Court of Common Pleas/Division of Domestic Relations and the Court of Common Pleas/Juvenile Court conduct hearings into Title IV-D Child Support matters and issue court orders and the Office of the Prosecuting Attorney is the CSEA's legal representative at these court hearings; and,

WHEREAS, the execution of these Cooperative Agreement contracts enables the County to recover the 66% federal financial participation reimbursement portion of the expenses incurred by the Domestic Relations Court, Juvenile Court and the Office of the Prosecuting Attorney while providing Title IV-D services to CSEA; and,

WHEREAS, for 2011 the amount of federal reimbursement is \$6,558,566.08 and this amount is reimbursed to the County's general fund to offset the expenditures of the two courts and the Office of the Prosecuting Attorney and without approval of the

Cooperative Agreement contracts, reimbursement to the County general fund will not occur; and,

WHEREAS, each of the Agreements contains various federal and local mandated performance standards.

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

**SECTION 1.** The County Executive is hereby authorized to execute three (3) Title IV-D Cooperative Agreement contracts for the period January 1, 2011 through December 31, 2011, as follows: one with: (1) the Court of Common Pleas/Division of Domestic Relations in an amount not-to-exceed \$2,082, 307.49, (2) the Court of Common Pleas/Juvenile Court in an amount not-to-exceed \$2,218,669.89, and (3) the Office of the Prosecuting Attorney of Cuyahoga County in an amount not-to-exceed \$2,257,588.70.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

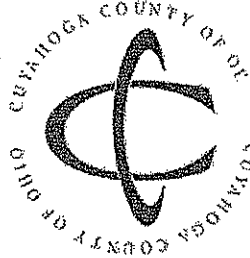
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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



**Item Details:**

<b>Agency/Dept. Name:</b>	Cuyahoga Support Enforcement Agency	<b>Agency/Dept. Head Name:</b>	Russ Kaye, Interim Director.
<b>Type of Request:</b>	Contract/Amendment		
<b>Request Prepared by:</b>	Richard Weiler	<b>Telephone No.</b>	216 515 - 8337

**SUMMARY OF REQUESTED ACTION:**

The Cuyahoga Support Enforcement Agency (CSEA) is requesting approval of three (3) Title IV-D Cooperative Agreement Contracts at the March 22, 2011 Council meeting. These Contracts are with the Court of Common Pleas/Division of Domestic Relations, in the amount of \$2,082,307.49; Court of Common Pleas/Juvenile Court, in the amount of \$2,218,669.89; and Cuyahoga County Prosecuting Attorney's Office, in the amount of \$2,257,588.70; which total an amount not-to-exceed \$6,558,566.08. All three (3) Contracts are for the time period of January 1, 2011 to December 31, 2011.

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

Title IV-D Cooperative Agreement Contracts are mandated by O.R.C. 3125.14, and Ohio Department of Jobs and Family Services (ODJFS) regulations, in order to specify the services which will be rendered by each of these three (3) entities pertaining to the establishment, modification and enforcement of Child Support Obligations, in accordance with applicable Child Support Regulations. The two (2) Courts conduct hearings in the Title IV-D Child Support matter and issue Court orders containing their findings via Journal Entries. The County Prosecutor's Office is the CSEA legal representative at these Court hearing.

The execution of these Cooperative Agreement Contracts enables the County to recover the 66% Federal Financial Participation (FFP) reimbursement portion of the expenses incurred by Domestic Relation Court, Juvenile Court, and the County Prosecutor's Office in providing these Title IV-D services to the CSEA, which for 2011 equals \$6,558,566.08. This dollar amount is reimbursed to the County General Fund to offset the expenditures of these three (3) Agencies. Without approval of these Cooperative Agreement Contracts, this reimbursement to the County General Fund cannot occur. There are also various Federally

and Locally mandated performance standards which are contained in these Cooperative Agreement Contracts.

**Explanation for late submittal:**

These contracts are being submitted late due to negotiations between Providers, County OBM & CSEA; and discussions related to contract Performance Standards.

**Contract/Agreement Information:**

**Procurement Method:**

Exempt from Competitive Bid Requirements

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

The increase in costs from previous year are due to increase Data Center budgeted increases, higher Hospitalization costs, and recovery of ERIP costs not included in 2010 contracts.

**Financial Information:**

**Funding source: Explanation:**

Federal These contract costs will be funded 100% by Federal Financial Participation (FFP) Funds.

**Total Amount Requested:**

\$6,558,566.08

**ATTACHMENTS:**

Click to download

- [Domestic Relations Court 2010](#)
- [Juvenile Court 2010](#)
- [Prosecutor's Office 2010 - Evaluation](#)
- [Domestic Court Findings for Recovery](#)
- [Juvenile Court Findings for Recovery](#)
- [Prosecutor's Office findings for Recovery](#)
- [Domestic Relations Court 2010](#)
- [Juvenile Court Contract 2011](#)
- [Prosecuting Attorney Contract 2011](#)
- [CSEAVariousProviders-Checklist](#)

**History**

Time	Who	Approval
2/28/2011 11:32 AM	Office of Procurement & Diversity Clerk of the Board	Yes

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

Contractor: Domestic Relations Court.

Contract No.: CE1000220-01 Time Period: 01/01/10 -12/31/10

Service Description: Perform IV-D Child Support Services for the CSEA

Original Contract Amount: \$1,905,431.58

Amendment Amount: N/A

**Performance Indicators:** The Domestic Relations Court shall meet the following contract requirements: submit the actual monthly expenses of the contract for payment no later than 30 days after the last day of the month in which services were provided; initiate appropriate enforcement action within no more than 30 calendar days of identifying a delinquency; if service is necessary, the time frame becomes 60 days; have the Client in any Non-IV-D Child Support case complete an "Application For Title IV-D Services" form prior to a hearing taking place; forward a completely filled out "Application For IV-D Services" form signed by the Custodial Parent via the Inter-County mail service no later than the day following the signature date; report the status, on a monthly basis, by referral tracking number, of all actions submitted to them for processing; appropriate personnel having authority over Domestic Relations Court activity shall attend all scheduled meetings with the CSEA; shall maintain independent books, records, payroll documents, accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract; accept responsibility for receiving, replying to, and/or complying with any audit exceptions by appropriate state or federal audit directly related to the provisions of this contract.

**Actual performance versus performance indicators (include statistics):** Domestic Relations Court submitted invoices within the 30-day requirement. At the end of each quarter throughout 2010, Domestic Relations Court had consistently resolved over 90% of the requested actions. The Domestic Relations Court was very helpful in working together with CSEA to make acceptable changes to enable a smoother processing of cases for the clients that we serve. This effort continued to reduce work duplication and allowed for greater staffing efficiencies in each area. Staff at Domestic Relations Court continues to provide above average service and consistently goes above and beyond in attempts to resolve issues and participate in policy and procedure development geared toward improving customer service.

**Rating of Overall Performance of Contractor (Check One):**

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

**Justification of Rating:** The Domestic Relations Court has consistently met all requirements and exceeded in the areas of requested action resolution and billing. The Court has been especially helpful in guiding CSEA with regard to statute and has also been very cooperative in resolving issues and providing requested information in a timely manner. The issue involving the PULA decision / Interstate cases played an important part in discussions in 2010. This decision will need further discussion and resolution pending Supreme Court decision. The Domestic Relations Court made all efforts to work collaboratively with CSEA with issues that were related to this PULA decision.

Cuyahoga Support Enforcement Agency  
**User Department**

February 14, 2011  
**Date**

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

Contractor: Juvenile Court

Contract No.: CE1000221-01 Time Period: 01/01/10 – 12/31/10

Service Description: Perform IV- D Child Support Services for the CSEA

Original Contract Amount: \$2,037,243.09

Amendment Amount: \_\_\_\_\_

**Performance Indicators:** The Juvenile Court shall meet the following contract requirements: submit the actual monthly expenses of the contract for payment no later than 30 days after the last day of the month in which services were provided; provide an alleged father the opportunity to voluntarily acknowledge paternity and attempt to establish paternity by legal process established under State law; establish an order for support or complete service of process within 90 calendar days of locating absent parent; initiate appropriate enforcement action within no more than 30 calendar days of identifying a delinquency; if service is necessary, the time frame becomes 60 days; shall supply to CSEA any copies of Journal Entries requested within 5 working days of the request; report the status, on a monthly basis, by referral tracking number, of all actions submitted to them for processing; appropriate personnel having decision making authority at Juvenile Court shall attend all scheduled meetings with the CSEA; shall furnish to the CSEA copies of all Journal Entries issued, including those entries involving the Cuyahoga Department of Children & Family Services activity of placing a child into County custody, or removing a child from County custody, within 5 working days after they are journalized in their Clerk's Office; shall furnish copies to the CSEA of all Paternity actions filed with the Ohio Central Paternity Registry (OCPR) at the time that they are being forwarded to OCPR, which shall be no later than 5 days after they are journalized in their Clerk's Office; shall maintain a 95% Disposition Rate in both "Parent/Child Relationship" and "Support" cases; shall utilize a "Magistrate Hearing Checklist: document to be used to monitor Magistrate prepared Journal Entries to ensure that items such as all the Participant's Social Security Numbers are included when statutorily directed; shall utilize the Health Insurance Investigation Form received from the Prosecutor's to address medical insurance coverage for all cases; the Journal Entry shall include medical insurance policy numbers; shall maintain independent books, records, payroll, documents, accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract.

**Actual performance versus performance indicators (include statistics):** The Juvenile Court did not submit invoices timely within the 30-day requirement for 2010. The tracking reports reflected that Juvenile Court consistently did not resolve the CSEA's requested actions due to delays in processing. These delays prevent the CSEA from meeting timeframes required by the Ohio Administrative Code. The concern of Journal Entries signed by the Judges adopting the Magistrate's decision was addressed, however the CSEA continues to receive JEs that do not include a copy of the Magistrate's decision, requiring a request to the Court and delaying the updating of the related case. Juvenile Court has worked cooperatively with CSEA in addressing barriers to case processing. New Journal Entries sent to the CSEA are more organized and have improved. CSEA continues have concerns over the high dismissal rate of cases filed with Juvenile Court. This high rate of dismissals appears to be a timely docketing issue along with lack of timely service. The CSEA will request a detailed report of cases that were dismissed and

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

reason in the future. In addition, although the Juvenile Court continues to cooperatively work with CSEA, attention needs to be given to having a child support order created at the time of change of custody. CSEA and the Prosecutor's Office continue to present this issue, yet there has been no improvement during this contractual period. The Court has been very cooperative and successful with the changes specific to the termination of support changes required of the CSEA by statute.

**Rating of Overall Performance of Contractor (Check One):**

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

Justification of Rating: The Juvenile Court has somewhat failed to meet requirements in a majority of contracted areas. The delay in responding to the CSEA's action requests and requests for Journal Entries has contributed to the CSEA's inability to meet Ohio Administrative Code requirements and has impacted the CSEA's ability to achieve the Federal Performance Indicators upon which funding is awarded. The Juvenile Court has been cooperative, however there has been many administrative personnel changes along with work processing changes that have presented barriers in smooth processing of work referred to the court from CSEA. The Juvenile Court has been cooperative in meeting with CSEA to discuss issues and work collaboratively to address and resolve issues. The PULA decision has also impacted Juvenile Court, and pending the Supreme Court's pending ruling on this issue, the change in jurisdiction and processing of the Interstate cases from Domestic Relations Court to Juvenile Court will certainly present challenges for the Juvenile Court and CSEA.

Cuyahoga Support Enforcement Agency  
**User Department**

February 14, 2011  
**Date**



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

Contractor: Prosecuting Attorney's Office

Contract No.: CE1000222-01 Time Period: 01/01/10 – 12/31/10

Service Description: Perform IV- D Child Support Services for the CSEA

Original Contract Amount: \$2,174,022.86

Amendment Amount: N/A

**Performance Indicators:** The Prosecuting Attorney's Office shall meet the following contract requirements: submit the actual monthly expenses of the contract for payment no later than 30 days after the last day of the month in which services were provided; initiate appropriate enforcement action within no more than 30 calendar days of identifying a delinquency; if service is necessary, the time frame becomes 60 days; report the status, on a monthly basis, by referral tracking number, of all actions submitted to them for processing; appropriate personnel having decision making authority at the Prosecutor's Office shall attend all scheduled meetings with the CSEA; shall prepare and file all motions and complaints for the CSEA for any activity requiring Domestic Relations Court or Juvenile Court action that is referred to them by the CSEA within 30 days of their receipt of the action being requested; render a response to any "Requests For Prosecutor's Opinion" made to them by the CSEA within 30 days of their receipt of the request; shall complete in full the "Health Insurance Investigation Form" for each CSEA case that they represent to assist in the establishment and enforcement of cash medical in Juvenile or Domestic Relations Court; the form is to be completed and incorporated into all Journal Entries; shall present any available evidence of paternity and support to enable Magistrates to issue a Default Order of Paternity and/or Support whenever a Custodial Parent, and/or Non-Custodial Parent do not appear for their Court Hearing even though there has been good Service of Process; shall submit time sheets on a monthly basis for each Prosecutor included under this contract as part of the monthly billing; shall notify the CSEA of the "service of process" status by forwarding the CSEA all the "Service of Process" sheets for tracking; upon the CSEA's receipt of the "Service of Process" sheets, the tracking action will flip from the Prosecutor's Office tracking list to the responsibility of the appropriate Court and it's tracking list of actions to complete; shall maintain independent books, records, payroll, documents, accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract; agrees to accept responsibility for receiving, replying to, and/or complying with any audit exceptions by appropriate state or federal audit directly related to the provisions of this contract.

**Actual performance versus performance indicators (include statistics):** For 2010, the Prosecuting Attorney's Office submitted billing invoices within the 30-day requirement. CSEA tracking reports showed that the Prosecuting Attorney's Office maintained consistent completion of the CSEA's requested actions. In the area of Paternity and Support Order establishment, the Juvenile Prosecuting Attorney's Office made agreed upon improvements in the processing of work that was referred. It was a major accomplishment for the Juvenile Prosecuting Attorney's Office to take on the writing of the complaints. The Prosecuting Attorney's Office was instrumental in representing CSEA's best interest in the discussions regarding the Interstate/UIFSA cases due to the PULA decision. The Prosecuting Attorney's Office has continued to work with CSEA and the processing of deceased obligors and custodial parents.

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

There was agreement on the processing of deceased obligors, yet continued work on deceased obligors needs resolution. The Prosecuting Attorney's Office continued to be helpful in the project to streamline CSEA's tracking system. CSEA would like to see continued effort by the Prosecutor's Office to address the establishment of an immediate child support order at the time of change of custody.

**Rating of Overall Performance of Contractor (Check One):**

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

**Justification of Rating:** The Prosecuting Attorney's Office is the CSEA's legal counsel for all actions referred to Court regarding paternity establishment, support order establishment and support order enforcement. Improvement in timeframes is needed in the areas of paternity establishment, support order establishment, Prosecutor Opinion Referrals and Impounds. The CSEA's need for a process to handle cases where an Obligee has died needs resolution. The Prosecuting Attorney's Office has not used contract funds for the employment of a CSEA prosecutor.

Cuyahoga Support Enforcement Agency  
**User Department**

February 14, 2011  
**Date**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0105

Sponsored by: <b>County Executive FitzGerald/Department of Health and Human Services/Office of Early Childhood</b>	A <b>Resolution</b> authorizing the County Executive to prepare and enter into an amendment to Contract No. CE0800734-02 with Educational Service Center of Cuyahoga County for the Help Me Grow component of the Invest in Children Program for the period 7/1/2008 - 6/30/2011 for additional funds in the amount not-to-exceed \$316,416.00.
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WHEREAS, the Educational Service Center serves as the administrative and fiscal agent for Help Me Grow (HMG), which is a program that provides services to families with children prenatal to three who meet the eligibility criteria as determined by the Ohio Department of Health; and,

WHEREAS, HMG is a statewide program that supports families with newborns, infants, and toddlers by providing child development and health information, positive parenting education and connecting families to community resources; and,

WHEREAS, HMG services also include parenting education through home visiting, early identification of children who have developmental delays or disabilities, service coordination linking families to community resources and early intervention services and family service plans for all HMG families.

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

**SECTION 1.** The County Executive is hereby authorized to prepare and execute an amendment to Contract No. CE0800734-02 with Educational Service Center of Cuyahoga County for the Help Me Grow component of the Invest in Children program for the period July 1, 2008 through June 30, 2011 for additional funds in the amount-not-to-exceed \$316,416.

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





**Item Details:**

<b>Agency/Dept. Name:</b>	Administrator's Office/Office of Early Childhood	<b>Agency/Dept. Head Name:</b>	Rebekah Dorman
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**Type of Request:** Authority To Prepare

<b>Request Prepared by:</b>	Marcos Cortes	<b>Telephone No.</b>	698-2586
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**SUMMARY OF REQUESTED ACTION:**

Administrator's Office/Office of Early Childhood, requesting authority to prepare an amendment to Contract No. CE0800734-01 with Educational Service Center for the Help Me Grow (HMG) component of the Invest in Children program for the period July 1, 2008 to June 30, 2011 for additional funds in the amount not to exceed \$316,416.00 for an aggregated contract award amount not to exceed \$21,676,539.00.

This request to amend the contract will add additional funds to the Educational Service Center's contract to serve additional children in the Part C (Early Intervention) Program - \$316,416.00

The funding source for this amendment is from the Health and Human Services Levy.

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

**Background:** The Educational Service Center (ESC) serves as the administrative and fiscal agent for Help Me Grow (HMG), which is a program that provides services to families with children prenatal to three who meet the eligibility criteria as determined by the Ohio Department of Health (ODH). More specifically, Help Me Grow (HMG) is a statewide program that supports families with newborns, infants, and toddlers by providing child development and health information, positive parenting education and connecting families to community resources. Every county in Ohio has a Help Me Grow program that provides services. These services include parenting education through home visiting, early identification of children who may have developmental delays or disabilities, service coordination linking families to community resources and early intervention services, and family service plans for all Help Me Grow families. Services are voluntary and designed

around the family's goals and concerns. The Part C program is a federal early intervention program for infants and toddlers with diagnosed or suspected developmental delays and disabilities. The funding for this program comes from federal funds. However, this funding is not nearly enough to meet the needs of the children in the County meeting the criteria for the Part C Program. These County dollars are above and beyond the dollars that Cuyahoga County receives from the state and reflect the county's commitment to serve these children and their families. Provider agencies are paid at a capitated rate of \$102/month for every child they provide services to. Funds in this amendment will provide up to one year of service to approximately 250 children. **Deliverables:** The Educational Service Center (ESC) continues to serve as the administrative and fiscal agent for Help Me Grow (HMG), which is a governmental entity to provide services to families with children prenatal to three who meet the eligibility criteria as determined by the Ohio Department of Health (ODH).

ESC will continue to secure appropriate client-related services to effectively manage HMG programs and provide regular fiscal and programmatic reports for all programs to OEC.

ESC shall continue to receive, disburse and monitor funds for direct child/family services for Part C programs.

Continue to provide oversight to insure that applicable personnel policies and procedures are being met regarding the securing and terminating of staff and appropriately handling of all other personnel matters during the tenure of HMG staff.

Secure appropriate client-related services to effectively manage HMG programs and provide regular fiscal and programmatic reports for all programs and their operational expenses to OEC.

Enter into contracts with various HMG approved community-based service providers and make appropriate payments to approved providers.

Submit invoices to OEC for reimbursement of appropriate costs and all other applicable charges against the appropriate funding streams.

Determine client eligibility and retain documentation of families and their children who receive HMG services under the Part C program guidelines.

Attend regularly scheduled fiscal and programmatic meeting and others meetings as requested by OEC.

Participate in and provide information upon request to OEC, FCFC and other county/state entities during state and federal audits of HMG programs and other services under contract.

**Outcomes:**

Achieve 100% or better in the following compliance areas:

Timely Receipt Services  
Transition Planning Conference  
45 day Timeline

**Principal Owner(s):**

The Educational Service Center of Cuyahoga County is a political subdivision of the State of Ohio and its principal office is located at  
5811 Canal road,  
Valley View, Ohio 44125.

**Contact Persons:** Dr. Robert Mengerink, Superintendent  
**Address:** 5811 Canal Road, Valley View, OH 44125  
**Phone number:** (216) 524-3000 and

Melissa Manos, HMG Project Director - (216) 736-8351

**Explanation for late submittal:**

Needed time for the 2011 Budget to become effective and to process amendments.

**Contract/Agreement Information:**

**Procurement Method:**

Other

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

Adding 2011 budgeted amount.

**Financial Information:**

**Funding source: Explanation:**

Other 2011 Operating Budget from Health and Human Services Levy

**Total Amount Requested:**

\$316,416.00

**ATTACHMENTS:**

Click to download

- [Contract Amendment](#)
- [ESC Part C Blue Back](#)
- [Contract Evaluation](#)
- [Auditor's Findings](#)
- [Revised Exhibit A](#)
- [HISTORY](#)

History

Time

Who

Clerk of the Board

Approval

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

**Contractor:** Educational Service Center of Cuyahoga County

**Contract/Agreement No.:** CE0800734-01  
**Time Period:** July 1, 2008 thru June 30, 2011

**Service Description:** **Service Description:** The Educational Service Center of Cuyahoga County, serves as the fiscal and administrative agent for Help Me Grow (HMG) Program, which provides qualitative Help Me Grow Part C early intervention services to eligible families. The primary purpose of the Part C program is to provide services and procurement of other goods and services for eligible children 0 to 3 with a suspected or diagnosed developmental delay or disability.

**Original Contract/Agreement Amount:** \$10,501,982.00

**Prior Amendment(s) Amount(s):** \$238,121.00 / \$5,437,745.00 / \$25,923.00 / 5,156,352.00

**Performance Indicators:**  
Retention of a qualitative Part C early intervention system in Cuyahoga County and prevent reductions in essential Part C services for an estimated 1,411 children receiving Part C services.  
  
Cuyahoga County Help Me Grow's Ohio Department of Mental Health SFY10 Part C compliance Reporting Requirements  
  
1) 45 day time line  
2) Timely receipt of services  
3) Transition services

**Performance Results:**  
In SFY10 Cuyahoga County retained a qualitative Part C early intervention system and provided services for 3,088 Part C eligible children in SFY10 from a variety of Part C funding resources.  
  
Cuyahoga County Help Me Grow's Ohio Department of Mental Health records for SFY10 show the following Part C compliance results, all achieving 100 percent of target:  
  
1) 45 day time line at 100 percent  
2) Timely receipt of services at 100 percent  
3) Transition services at 100 percent




Rating of Overall Performance of Contractor (Check One):

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

**Justification of Rating:**

Help Me Grow of Cuyahoga County adequately fulfilled the scope of work as set forth in their contract. Help Me Grow served twice as many children through the Part C program as they had anticipated. Additionally, HMG surpassed all necessary compliance requirements with a 100% average based on the State of Ohio's compliance guidelines

  
\_\_\_\_\_  
User Department

  
\_\_\_\_\_  
Date

s: evaluation

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0018

<b>Sponsored by: County Executive FitzGerald/Department of Development</b>	<b>An Ordinance</b> amending Section 7, Grants and Loans, of Ordinance No. O2011-0006 dated 1/11/2011, which amended Ordinance No. 02011-0002 dated 1/3/2011, providing certain procedures for the purchase of goods, supplies and interests in real estate and other contracts necessary for the continuation of the usual and daily operations of Cuyahoga County government to permit the County Executive and/or the Director of the Department of Development to make loans not-to-exceed \$200,000.00 for the purpose of implementing the Federal Neighborhood Stabilization Program 2 (NSPII); and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Department of Development is responsible for implementing the Federal Neighborhood Stabilization Program 2 (NSPII); program that includes, but is not limited to, making of loans to private developers for the purposes of rehabilitating vacant, abandoned or otherwise uninhabitable property for the purposes of protecting neighborhood quality, safety and property values; and

WHEREAS, Prior to the adoption of Ordinance No. 02011-0002, the Director of the Department of Development had longstanding authority to make such loans pursuant to federal and state laws and regulations and that making such loans has been part of the usual and daily operation of the Cuyahoga County Department of Development; and

WHEREAS, the purpose of Ordinance No.02011-0002 was to insure the proper and efficient functioning of the new Cuyahoga County government so that usual and daily operations of government could continue;

WHEREAS, it is necessary that this ordinance become immediately effective in order that critical services provided by Cuyahoga

County can continue and to provide for the usual, daily operation of a County department.

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

**SECTION 1.** Section 7, Grants and Loans, of Ordinance No. O2011-0006 dated 1/11/2011, which amended Ordinance No. 02011-0002 dated 1/3/2011, shall be amended as follows:

Section 7. Grants and Loans

No officer, department, office, board, commission or agency of County of Cuyahoga may apply for or receive a grant from the federal or state government or from any other private source without written authorization of the County Executive or his designee. Contracts for the receipt of grants may be approved by the County Executive without the approval of County Council. The County Executive may make grants and loans for those purposes as are set forth in general law, including without limitation, Section 307.07 of the Ohio Revised Code, subject to authorization by County Council by appropriate legislation, and subject to approval by the Cuyahoga County Loan Committee and, when required by law or existing agreement, by the Cuyahoga County Community Improvement Corporation.

Notwithstanding the above, the County Executive or the Director of Development may make loans not to exceed \$35,000.00 for the limited purpose of implementing the County Housing Rehabilitation Program AND MAY MAKE LOANS NOT-TO-EXCEED \$200,000.00 FOR THE LIMITED PURPOSE OF IMPLEMENTING THE FEDERAL NEIGHBORHOOD STABILIZATION PROGRAM.

**SECTION 2.** Funds have been certified and encumbered sufficient to fund making of loans through the Federal Neighborhood Stabilization Program 2 (NSPII);

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

**SECTION 4.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Journal CC001  
March 8, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0019

Sponsored by: <b>County Executive FitzGerald</b>	<b>An Ordinance</b> authorizing the creation of an Agency of Inspector General that shall be an independent agency dedicated to promoting honesty and integrity among the officers and employees of the County by detecting, investigating and deterring fraud, corruption, waste, mismanagement, abuse, misfeasance, malfeasance and nonfeasance in County government.
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WHEREAS, the Charter of Cuyahoga County emphasizes the need for focused, effective and accountable leadership and for high standards of professionalism and loyalty to the residents of the County; and,

WHEREAS, Section 2.05 of the County Charter, Investigations by County Executive, provides that the County Executive may, at any time and without notice, cause the administrative affairs or the official acts and conduct of any official or employee of any County office, department, or agency over which the Executive has authority to be examined.; and,

WHEREAS, Section 3.09(2) of the County Charter provides that Council has the power and duty to establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such board, agencies, commissions, and authorities, in addition to or as part of those provided for in this Charter, as the Council determines to be necessary for the efficient administration of the County; and,

WHEREAS, Section 3.09(12) of the County Charter provides Council with the power and duty to establish by ordinance a code of ethics, which shall be in addition to, and not inconsistent with, general law on the subject, which shall guide and inform County officers and employees in the performance of their official duties in a manner that will represent the highest standards of professionalism and loyalty to the residents of the County and that will avoid conflicts of interest, self-dealing, and other violations of the public trust; and,

WHEREAS, Section 3.12 of the Charter, Investigations by Council, states that Council or any committee of Council may investigate the financial transactions of any office, department or agency of County government and the official acts and conduct of any County official relating to any matter upon which Council is authorized to act; and,

WHEREAS, County Executive Ed FitzGerald and the County Council have recognized the need for an independent agency dedicated to ensuring honesty and integrity among the officers and employees of the County by detecting, investigating and deterring fraud, corruption, waste, mismanagement, abuse, misfeasance, malfeasance, and nonfeasance in county government and that such an agency is necessary for the efficient operation of the County.

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

**SECTION 1.** There is hereby established an independent Agency of the Inspector General that shall be dedicated to ensuring honesty and integrity among the officers and employees of the County by detecting, investigating and deterring fraud, corruption, waste, mismanagement, abuse, misfeasance, malfeasance, and nonfeasance in county government.

**SECTION 2.** The Agency of the Inspector General shall be directed by an Inspector General and shall employ such number of deputies, assistants and employees as shall be reasonably necessary to assist the Inspector General in carrying out the duties of the Agency, subject to the budgetary approval of Council.

**SECTION 3.** That, a proposed operating budget for the Agency of the Inspector General shall be presented to Council for approval at such time as the County Executive and the Inspector General are able to create a schedule of estimated revenues and proposed expenditures.

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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