



**AGENDA**  
**CUYAHOGA COUNTY COUNCIL REGULAR MEETING**  
**TUESDAY, OCTOBER 8, 2013**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**5:00 PM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. SILENT MEDITATION**
- 5. PUBLIC COMMENT RELATED TO AGENDA**
- 6. APPROVAL OF MINUTES**
  - a) September 24, 2013 Regular Meeting (See Page 10)
- 7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT**
- 8. MESSAGES FROM THE COUNTY EXECUTIVE**
  - a) Contracts executed by County Executive (attachment) (See Page 24)
- 9. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE**
  - a) R2013-0215: A Resolution approving and concurring with amendments made to the Northeast Ohio Areawide Coordinating Agency (“NOACA”) Code of Regulations on 8/9/2013 as shown in NOACA Resolution No. 2013-027, and declaring the necessity that this Resolution become immediately effective. (See Page 31)

Sponsors: Councilmembers Connally, Rogers and Germana

#### **10. CONSIDERATION OF ORDINANCES OF COUNCIL FOR THIRD READING ADOPTION**

- a) O2011-0048: An Ordinance enacting Chapter 509 of the Cuyahoga County Code directing the County Executive to conduct a Disparity Study and, if required by law, validate the Disparity Study every five years thereafter; requiring annual updates of said Study; and declaring the necessity that this Ordinance become immediately effective. (See Page 59)

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

- b) O2013-0019: An Ordinance amending Sections 704.01 to 704.03 of the Cuyahoga County Code to designate that the Additional DTAC Fee commence on 1/1/2014 and continue through 12/31/2018, and declaring the necessity that this Ordinance become immediately effective. (See Page 62)

Sponsors: Councilmembers Jones, Miller, Brady, Simon and Conwell

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

- a) R2013-0216: A Resolution proclaiming the month of October 2013 as Disability Employment Awareness Month in Cuyahoga County: "Because We Are Equal to the Task", and declaring the necessity that this Resolution become immediately effective. (See Page 65)

Sponsors: County Executive FitzGerald/Department of Human Resources and Councilmembers Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon and Connally

- b) R2013-0217: A Resolution amending the 2012/2013 Biennial Operating Budget for 2013 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. (See Page 69)

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

- c) R2013-0218: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County Common Pleas Court/Juvenile Court Division and Laborers' Local 860, a/w Laborers' International Union of North America, representing approximately 107 employees in 8 classifications in Probation, Clerk's and Transportation Services for the period 11/1/2012 - 10/31/2015; directing that funds necessary to implement the Collective Bargaining Agreement be budgeted and appropriated; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 87)

Sponsors: County Executive FitzGerald on behalf of Common Pleas Court/Juvenile Court Division

- d) R2013-0219: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County Common Pleas Court/Juvenile Court Division and Laborers' Local 860, a/w Laborers' International Union of North America, representing approximately 122 employees in 7 classifications in Detention Services for the period 1/1/2013 - 12/31/2015; directing that funds necessary to implement the Collective Bargaining Agreement be budgeted and appropriated; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 92)

Sponsors: County Executive FitzGerald on behalf of Common Pleas Court/Juvenile Court Division

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

- a) R2013-0220: A Resolution approving an Amended and Restated Sewer Service Agreement with City of North Olmsted for conveyance and treatment of wastewater from Olmsted Township to the North Olmsted Wastewater Treatment Plant for the period 10/22/2013 - 10/21/2033 to confirm and clarify joint use, respective rights and obligations in connection with portions of the North Olmsted Sanitary Sewer System jointly used by North Olmsted and the County; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 97)

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

- b) R2013-0221: A Resolution making an award on RQ28695 to Jack Doheny Companies, Inc. in the amount not-to-exceed \$3,000,000.00 for sewer jet/vac trucks, parts, supplies and services for the period 10/1/2013 - 9/30/2018; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 102)

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

- c) R2013-0222: A Resolution authorizing an Economic Development Redevelopment Ready Loan in the amount not-to-exceed \$1,000,000.00 to Fairmont Creamery Leverage Lender, LLC for renovation of a building located at 1720 Willey Avenue, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 106)

Sponsor: County Executive FitzGerald/Department of Development

- d) R2013-0223: A Resolution rescinding Resolution No. R2013-0093 and authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2013 (Flats East Bank Phase II Project) in the aggregate principal amount not-to-exceed \$17,000,000.00 for the purpose of assisting in the financing of a "Project" within the meaning of Chapter 165, Ohio Revised Code, paying capitalized interest, funding a debt service reserve fund and paying costs of issuance; providing for a guaranty for the payment of such bonds; authorizing the execution of various documents required in connection with said bond issuance and authorizing and approving related matters; and declaring the necessity that this Resolution become immediately effective. (See Page 111)

Sponsor: County Executive FitzGerald/Department of Development

Bond Counsel: Porter Wright Morris & Arthur LLP

- e) R2013-0224: A Resolution authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2013B (Westin Cleveland Hotel Project) in an aggregate principal amount not-to-exceed \$6,500,000.00 for the purpose of providing moneys to pay costs of a "Project" within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official

statement; approving and authorizing the execution of a cooperative agreement, a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 127)

Sponsor: County Executive FitzGerald/Department of Development

Bond Counsel: Benesh Friedlander Coplan & Aronoff, LLP

- f) R2013-0225: A Resolution authorizing a revenue generating agreement with City of Cleveland/Cleveland Municipal Court in the amount not-to-exceed \$1,804,656.00 for legal services for indigent persons for the period 1/1/2013 - 12/31/2013; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 146)

Sponsors: County Executive FitzGerald on behalf of Public Defender

### **13. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING**

- a) R2013-0211: A Resolution authorizing two Economic Development Redevelopment Ready Loans, each in the amount not-to-exceed \$1,000,000.00, to Parmatown Station LLC for asbestos abatement, partial demolition and renovations of property located at the southwest corner of Ridge and Ridgewood Roads, Parma; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loans and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 151)

Sponsors: County Executive FitzGerald/Department of Development and Councilmember Germana

Committee Assignment and Chair: Economic Development & Planning – Schron

- b) R2013-0212: A Resolution authorizing an Economic Development Redevelopment and Modernization Loan in the amount not-to-exceed \$680,000.00 to Playhouse Square 1317 LLC for renovation of property located at 1317 Euclid Avenue, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 154)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning –  
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**14. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND  
READING ADOPTION UNDER SUSPENSION OF RULES**

- a) R2013-0205: A Resolution declaring that public convenience and welfare requires replacement of Akins Road Culvert 01.12 in the City of North Royalton; total estimated project cost \$490,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project; and declaring the necessity that this Resolution become immediately effective. (See Page 157)

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

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

- b) R2013-0206: A Resolution declaring that public convenience and welfare requires replacement of Eastland Road Culvert 00.53 in the City of Middleburg Heights; total estimated project cost \$420,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project; and declaring the necessity that this Resolution become immediately effective. (See Page 160)

Sponsors: County Executive FitzGerald/Department of Public Works/  
Division of County Engineer and Councilmember Germana

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

- c) R2013-0207: A Resolution approving Right-of-Way plans as set forth in Plat No. 5017 for rehabilitation of various Highland Road Bridges over Euclid Creek in the City of Euclid; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-of-Way; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement;

and declaring the necessity that this Resolution become immediately effective: (See Page 163)

- 1) No. 156 (nka 00.13)
- 2) No. 157 (nka 00.31)
- 3) No. 158 (nka 00.54)
- 4) No. 226 (nka 00.64)

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

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

- d) R2013-0208: A Resolution making an award on RQ27661 to Regency Construction Services, Inc. in the amount not-to-exceed \$2,467,000.00 for construction of the Cuyahoga County Crime Lab; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 166)

Sponsor: County Executive FitzGerald/Department of Public Works and  
Medical Examiner

Committee Assignment and Chair: Public Safety & Justice Affairs –  
Gallagher

- e) R2013-0209: A Resolution making an award on RQ27988 to Trafftech, Inc. in the amount not-to-exceed \$1,222,800.00 for striping in connection with the Countywide Preventative Maintenance Program for the period 10/1/2013 - 10/31/2014; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 168)

Sponsors: County Executive FitzGerald/Department of Public Works/  
Division of County Engineer and Councilmembers Germana, Jones and  
Miller

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

- f) R2013-0210: A Resolution authorizing a Continuation Agreement with County Commissioners Association of Ohio Service Corporation for participation in the Natural Gas Purchase Program for the period

1/1/2014 - 12/31/2019; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 170)

Sponsor: County Executive FitzGerald/Department of Public Works

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

g) R2013-0213: A Resolution making awards to various municipalities in the total amount of \$1,050,000.00 for various municipal grant projects for the 2014 Community Development Block Grant Municipal Grant Program for the period 10/1/2013 - 9/30/2014; authorizing the County Executive to execute the agreements and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective: (See Page 173)

- 1) City of Bedford in the amount of \$150,000.00 for the Ellenwood Community Center Renovation Project.
- 2) City of Berea in the amount of \$150,000.00 for the North Rocky River Drive Corridor Improvement Project.
- 3) City of Brook Park in the amount of \$150,000.00 for the West 147<sup>th</sup> and Elm Avenue Full Depth Concrete Repairs Project.
- 4) City of Maple Heights in the amount of \$150,000.00 for the Neighborhood Infrastructure Improvement Project.
- 5) City of Olmsted Falls in the amount of \$150,000.00 for the Olmsted Falls Senior Center Project.
- 6) City of Warrensville Heights in the amount of \$150,000.00 for the Clarkwood Area Streetlight Replacement Safety Project.
- 7) Village of Glenwillow in the amount of \$150,000.00 for the Pergl Road Reconstruction Project.

Sponsors: County Executive FitzGerald/Department of Development and Councilmembers Miller, Jones and Gallagher

Committee Assignment and Chair: Economic Development & Planning – Schron

h) R2013-0214: A Resolution authorizing a contract with Pointe Blank Solutions, Ltd. in the amount not-to-exceed \$1,800,000.00 for consultant services for the Case Management and Document Imaging System for the period 3/1/2013 - 2/28/2016; authorizing the County Executive to execute the contract and all other documents consistent with this



Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 177)

Sponsor: County Executive FitzGerald on behalf of County Prosecutor

Committee Assignment and Chair: Public Safety & Justice Affairs – Gallagher

#### **15. CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION**

- a) R2013-0092: A Resolution authorizing a Casino Revenue Fund Loan in the amount not-to-exceed \$3,684,650.00 to Playhouse Square District Development Corporation for streetscape improvements; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 179)

Sponsors: County Executive FitzGerald/Department of Development and Councilmember Jones

#### **16. MISCELLANEOUS COMMITTEE REPORTS**

#### **17. MISCELLANEOUS BUSINESS**

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

#### **19. ADJOURNMENT**

#### NEXT MEETINGS

COMMITTEE OF THE WHOLE: MONDAY, OCTOBER 21, 2013  
1:00 PM / COUNCIL CHAMBERS

COMMITTEE OF THE WHOLE: TUESDAY, OCTOBER 22, 2013  
2:00 PM / COUNCIL CHAMBERS

REGULAR MEETING: TUESDAY, OCTOBER 22, 2013  
5:00 PM / COUNCIL CHAMBERS

\*In accordance with Section 108.01 of the Cuyahoga County Code, complimentary parking in the Huntington Park Garage will be available for the public on any day when the Council or any of its committees holds meetings. Please see the Clerk to obtain a parking pass.



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, SEPTEMBER 24, 2013  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
5:00 PM**

**1. CALL TO ORDER**

**The meeting was called to order by Council President Connally at 5:00 p.m.**

**2. ROLL CALL**

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

**3. PLEDGE OF ALLEGIANCE**

**The Pledge of Allegiance was recited.**

**4. SILENT MEDITATION**

**Council President Connally requested a moment of silent meditation for personal reflections.**

**5. PUBLIC COMMENT RELATED TO AGENDA**

**Council President Connally allowed comments unrelated to the agenda during this time.**

**Mr. Wade Steen, former Cuyahoga County Fiscal Officer, thanked everyone for their professionalism and collegiality during his time with Cuyahoga County.**

**Reverend Pamela M. Pickney Butts addressed Council regarding issues of concern to her relating to (a) the Cuyahoga County justice system and justice center; (b) items on the agenda pertaining to appointments to boards and commissions; and (c) the allocation of public funds to certain projects.**

**6. APPROVAL OF MINUTES**

- a) September 10, 2013 Regular Meeting

**A motion was made by Mr. Rogers, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the September 10, 2013 regular meeting.**

**7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT**

**Council President Connally reported the following:**

- 1) The 2014 – 2015 biennial budget hearings schedule has been distributed;**
- 2) County Council offices will be moving to a new location beginning Monday, September 30, 2013. The new location will be at 323 Lakeside Avenue, 4<sup>th</sup> Floor. All Council and Committee meetings will continue to be held in the Council Chambers in the Justice Center; and**
- 3) There will be a Committee of the Whole meeting held on Tuesday, October 22, 2013 from 2:00 p.m. to 3:00 p.m. regarding the budget for the new Cuyahoga County Headquarters.**

**8. MESSAGES FROM THE COUNTY EXECUTIVE**

**County Executive FitzGerald reported the following:**

- 1) A press conference announcing the S.A.V.E. (Strategies Against Violent Encounters) Program was held today. He thanked the NAACP and Council for supporting the program. A training schedule will be provided to Council in the near future; and**
- 2) Announced a partnership between The MetroHealth System and HealthSpot that will provide an alternative healthcare option to all County employees. The HealthSpot is a walk-in medical station located in the Justice Center Atrium from noon to 4:30 p.m. Monday through Friday. He praised Dr. Akram Boutros, President and Chief Executive Officer of The MetroHealth System, for his involvement in the implementation of the program.**

9. COMMITTEE REPORTS AND CONSIDERATION OF MOTIONS OF COUNCIL FOR  
SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion Nos. M2013-0028 and M2013-0029.**

- a) M2013-0028: A Motion confirming the County Executive's appointment of Matt Carroll to serve on the Group Plan Commission for the term ending 4/8/2017, and declaring the necessity that this Motion become immediately effective.

Sponsors: Councilmembers Connally and Conwell

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

**On a motion by Ms. Conwell with a second by Mr. Rogers, Motion No. M2013-0028 was considered and approved by unanimous vote.**

- b) M2013-0029: A Motion confirming the County Executive's appointment of various individuals to serve on the Western Reserve Area Agency on Aging Board of Trustees for the term ending 1/31/2017, and declaring the necessity that this Motion become immediately effective:

- 1) Carol Dayton
- 2) BJ Brown
- 3) Constance Hill-Johnson

Sponsors: Councilmembers Connally and Conwell

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

**On a motion by Ms. Conwell with a second by Mr. Rogers, Motion No. M2013-0029 was considered and approved by unanimous vote.**

10. COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES OF COUNCIL FOR  
SECOND READING

**Mr. Jones introduced a proposed substitute to Ordinance No. O2011-0048 on the floor. Discussion ensued. A motion was then made by Mr. Jones, seconded by Mr. Germana and approved by unanimous vote to accept the proposed substitute.**

Clerk Schmotzer then read Ordinance No. O2011-0048 into the record, as substituted.

- a) O2011-0048: An Ordinance enacting Chapter 509 of the Cuyahoga County Code directing the County Executive to conduct a Disparity Study and, if required by law, validate the Disparity Study every five years thereafter; requiring annual updates of said Study; and declaring the necessity that this Ordinance become immediately effective.

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

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

**This item will move to the October 8, 2013 Council meeting agenda for third reading.**

- b) O2013-0019: An Ordinance amending Sections 704.01 to 704.03 of the Cuyahoga County Code to designate that the Additional DTAC Fee commence on 1/1/2014 and continue through 12/31/2018, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Jones, Miller, Brady, Simon and **Conwell**

Committee Assignment and Chair: Finance & Budgeting – Miller

**Clerk Schmotzer read Ordinance No. O2013-0019 into the record.**

**This item will move to the October 8, 2013 Council meeting agenda for third reading.**

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

**A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2013-0017.**

- a) O2013-0017: An Ordinance enacting Chapter 603 of the Cuyahoga County Code to establish a Cuyahoga County Fire and Smoke Damper Inspection Program, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Gallagher, Greenspan, Conwell and Germana

Committee Assignment and Chair: Public Safety & Justice Affairs –  
Gallagher

**On a motion by Mr. Gallagher with a second by Ms. Conwell, Resolution No. O2013-0017 was considered and adopted by unanimous vote.**

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

**A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rules 9D and 12A and to place on final passage Resolution No. R2013-0204.**

- a) R2013-0204: A Resolution amending the 2012/2013 Biennial Operating Budget for 2013 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; amending Resolution No. R2013-0148 dated 7/9/2013 by rescinding Item C in Section 3; and declaring the necessity that this Resolution become immediately effective.

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

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0204 was considered and adopted by unanimous vote.**

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

- a) R2013-0205: A Resolution declaring that public convenience and welfare requires replacement of Akins Road Culvert 01.12 in the City of North Royalton; total estimated construction cost \$490,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project; and declaring the necessity that this Resolution become immediately effective.

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

**Council President Connally referred Resolution No. R2013-0205 to the Public Works, Procurement & Contracting Committee.**

- b) R2013-0206: A Resolution declaring that public convenience and welfare requires replacement of Eastland Road Culvert 00.53 in the City of Middleburg Heights; total estimated construction cost \$420,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Public Works/  
Division of County Engineer **and Councilmember Germana**

**Council President Connally referred Resolution No. R2013-0206 to the Public Works, Procurement & Contracting Committee.**

- c) R2013-0207: A Resolution approving Right-of-Way plans as set forth in Plat No. 5017 for rehabilitation of various Highland Road Bridges over Euclid Creek in the City of Euclid; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-of-Way; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective:

- 1) No. 156 (nka 00.13)
- 2) No. 157 (nka 00.31)
- 3) No. 158 (nka 00.54)
- 4) No. 226 (nka 00.64)

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

**Council President Connally referred Resolution No. R2013-0207 to the Public Works, Procurement & Contracting Committee.**

- d) R2013-0208: A Resolution making an award on RQ27661 to Regency Construction Services, Inc. in the amount not-to-exceed \$2,467,000.00 for construction of the Cuyahoga County Crime Lab; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works and  
Medical Examiner

**Council President Connally referred Resolution No. R2013-0208 to the Public Safety & Justice Affairs Committee.**

- e) R2013-0209: A Resolution making an award on RQ27988 to Trafftech, Inc. in the amount not-to-exceed \$1,222,800.00 for striping in connection with the Countywide Preventative Maintenance Program for the period 10/1/2013 - 10/31/2014; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

**Council President Connally referred Resolution No. R2013-0209 to the Public Works, Procurement & Contracting Committee.**

- f) R2013-0210: A Resolution authorizing a Continuation Agreement with County Commissioners Association of Ohio Service Corporation for participation in the Natural Gas Purchase Program for the period 1/1/2014 - 12/31/2019; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

**Council President Connally referred Resolution No. R2013-0210 to the Public Works, Procurement & Contracting Committee.**

- g) R2013-0211: A Resolution authorizing two Economic Development Redevelopment Ready Loans, each in the amount not-to-exceed \$1,000,000.00, to Parmatown Station LLC for asbestos abatement, partial demolition and renovations of property located at the southwest corner of Ridge and Ridgewood Roads, Parma; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loans and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and  
**Councilmember Germana**

**Council President Connally referred Resolution No. R2013-0211 to the Economic Development & Planning Committee.**



- h) R2013-0212: A Resolution authorizing an Economic Development Redevelopment and Modernization Loan in the amount not-to-exceed \$680,000.00 to Playhouse Square 1317 LLC for renovation of property located at 1317 Euclid Avenue, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2013-0212 to the Economic Development & Planning Committee.**

- i) R2013-0213: A Resolution making awards to various municipalities in the total amount of \$1,050,000.00 for various municipal grant projects for the 2014 Community Development Block Grant Municipal Grant Program for the period 10/1/2013 - 9/30/2014; authorizing the County Executive to execute the agreements and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective:

- 1) City of Bedford in the amount of \$150,000.00 for the Ellenwood Community Center Renovation Project.
- 2) City of Berea in the amount of \$150,000.00 for the North Rocky River Drive Corridor Improvement Project.
- 3) City of Brook Park in the amount of \$150,000.00 for the West 147<sup>th</sup> and Elm Avenue Full Depth Concrete Repairs Project.
- 4) City of Maple Heights in the amount of \$150,000.00 for the Neighborhood Infrastructure Improvement Project.
- 5) City of Olmsted Falls in the amount of \$150,000.00 for the Olmsted Falls Senior Center Project.
- 6) City of Warrensville Heights in the amount of \$150,000.00 for the Clarkwood Area Streetlight Replacement Safety Project.
- 7) Village of Glenwillow in the amount of \$150,000.00 for the Pergl Road Reconstruction Project.

Sponsors: County Executive FitzGerald/Department of Development **and Councilmembers Miller, Jones and Gallagher**

**Council President Connally referred Resolution No. R2013-0213 to the Economic Development & Planning Committee.**

- j) R2013-0214: A Resolution authorizing a contract with Pointe Blank Solutions, Ltd. in the amount not-to-exceed \$1,800,000.00 for consultant services for the Case Management and Document Imaging System for the period 3/1/2013 - 2/28/2016; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald on behalf of County Prosecutor

**Council President Connally referred Resolution No. R2013-0214 to the Public Safety & Justice Affairs Committee.**

14. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING

- a) R2013-0092: A Resolution authorizing a Casino Revenue Fund Loan in the amount not-to-exceed \$3,684,650.00 to Playhouse Square District Development Corporation for streetscape improvements; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and Councilmember Jones

Committee Assignment and Chair: Economic Development & Planning – Schron

**Clerk Schmotzer read Resolution No. R2013-0092 into the record.**

**This item will move to the October 8, 2013 Council meeting agenda for third reading.**

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

**A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Resolution Nos. R2013-0172, R2013-0197, R2013-0198, R2013-0199, R2013-0200, R2013-0201, R2013-0202 and R2013-0203.**

- a) R2013-0172: A Resolution making an award on RQ27791 to KeyBank Inc. for various banking and treasury services for the period 8/24/2013 - 8/23/2017; authorizing the County Executive to execute the contract and

all related documents; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/County Treasurer

Committee Assignments and Chairs: Finance & Budgeting – Miller and Education, Environment & Sustainability – Rogers

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0172 was considered and adopted by unanimous vote.**

- b) R2013-0197: A Resolution making an award on RQ27992 to Specialized Construction Incorporated in the amount of \$524,500.00 for crack sealing in connection with the Countywide Preventative Maintenance Program for the period 10/1/2013 - 10/31/2014; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

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

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2013-0197 was considered and adopted by unanimous vote.**

- c) R2013-0198: A Resolution authorizing an amendment to Contract No. CE0800123-02 with DDR MDT Great Northern, LLC for lease of office space located at 5069 Great Northern Shopping Center, North Olmsted, for the Auto Title Bureau Satellite Office No. 5 for the period 1/1/2008 - 12/31/2012 to assign the interest to BRE DDR Great Northern, LLC, effective 1/1/2013, to extend the time period to 12/31/2013 and for additional funds in the amount of \$44,587.20; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works

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

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2013-0198 was considered and adopted by unanimous vote.**

- d) R2013-0199: A Resolution authorizing the issuance and sale of Taxable Economic Development Revenue Bonds, Series 2013A (Steelyard Commons Project) in an aggregate principal amount not-to-exceed \$5,000,000.00 for the purpose of providing moneys to pay costs of a "Project" within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement, authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a cooperative agreement, a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Development and Councilmembers Jones **and Conwell**

Bond Counsel: Benesh Friedlander Coplan & Aronoff, LLP

Committee Assignment and Chair: Economic Development & Planning – Schron

**Mr. Schron introduced an amendment on the floor. Discussion ensued. A motion was then made by Mr. Schron, seconded by Mr. Miller and approved by unanimous vote to amend Section 1 of Resolution No. R2013-0199 by changing the definition of "Project Revenues" to read as follows:**

***"Project Revenues" means any money and investments on deposit in the Funds and all income and profit from the investment thereof.***

**On a motion by Mr. Schron with a second by Mr. Miller, Resolution No. R2013-0199 was considered and adopted by unanimous vote, as amended.**

- e) R2013-0200: A Resolution accepting the rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer; and declaring the necessity that this Resolution become immediately effective.

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

Committee Assignment and Chair: Finance & Budgeting – Miller

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0200 was considered and adopted by unanimous vote.**

- f) R2013-0201: A Resolution authorizing an award to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, in the amount not-to-exceed \$25,000,000.00 for the sale of tax lien certificates; authorizing the County Executive to execute the agreement and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Fiscal Officer/County Treasurer

Committee Assignment and Chair: Finance & Budgeting – Miller

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2013-0201 was considered and adopted by unanimous vote.**

- g) R2013-0202: A Resolution making an award on RQ28551 to Starting Point in the amount not-to-exceed \$593,038.00 for administration of various initiatives of the Universal Pre-Kindergarten Program for the Invest in Children Program for the period 8/1/2013 - 7/31/2014; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood **and Councilmember Conwell**

Committee Assignment and Chair: Education, Environment & Sustainability – Rogers

**On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2013-0202 was considered and adopted by unanimous vote.**

- h) R2013-0203: A Resolution making an award on RQ28332 to Starting Point in the amount not-to-exceed \$1,600,000.00 for Out-of-School Time and Transition Services for the period 9/1/2013 - 9/30/2014; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Family and Children First Council **and Councilmember Conwell**

Committee Assignment and Chair: Education, Environment & Sustainability – Rogers

**On a motion by Mr. Rogers with a second by Mr. Miller, Resolution No. R2013-0203 was considered and adopted by unanimous vote.**

#### 16. CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- a) R2013-0179: A Resolution making an award on RQ24534 to Weston Inc. in the total amount of \$3,420,000.00 for the sale of various County buildings; authorizing leases in connection with said sale; authorizing the County Executive to take all necessary actions and to execute all documents necessary to consummate the contemplated transactions; authorizing the Director of Public Works to administer the projects; and declaring the necessity that this Resolution become immediately effective:
- 1) in the amount not-to-exceed \$3,023,641.80 for lease of the Marion Building, located at 1276 West Third Street, Cleveland, for a period of three years.
  - 2) in the amount not-to-exceed \$391,272.00 for lease of the Superior Auto Title Building, located at 1261 Superior Avenue, Cleveland, for a period of one year.
  - 3) in the amount not-to-exceed \$130,470.96 for lease of the Hamilton Garage, located at 1801 St. Clair Avenue, Cleveland, for a period of six months.

Sponsor: County Executive FitzGerald/Department of Public Works

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2013-0179 was considered and adopted by unanimous vote.**

#### 17. MISCELLANEOUS COMMITTEE REPORTS

**Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will not meet on Tuesday, October 1, 2013.**

**Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, October 2, 2013 at 11:00 a.m.**

**Mr. Miller reported the following schedule for the Finance & Budgeting Committee:**

- 1) Monday, September 30<sup>th</sup> at 1:00 p.m.**
- 2) Monday, October 7<sup>th</sup> at 1:00 p.m.**
- 3) Tuesday, October 15<sup>th</sup> at 3:00 p.m. (if necessary)**

**Mr. Schron reported that the Economic Development & Planning Committee will meet on Monday, September 30, 2013 at 3:00 p.m.**

**18. MISCELLANEOUS BUSINESS**

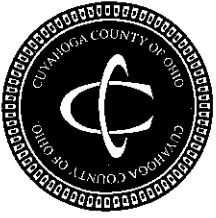
**There was no miscellaneous business.**

**19. PUBLIC COMMENT UNRELATED TO AGENDA**

**Council President Connally allowed comments unrelated to the agenda to be given under comments related to the agenda.**

**20. ADJOURNMENT**

**With no further business to discuss, the meeting was adjourned by Council President Connally at 5:57 p.m., without objection.**



**EDWARD FITZGERALD**  
Cuyahoga County Executive

October 8, 2013

C. Ellen Connally  
Council President  
County Administration Building  
1219 Ontario Street  
Cleveland, Ohio 44113

Dear Council President Connally,

The attached document lists the items that County Executive Edward FitzGerald signed during the months of July and August 2013. This lists includes all contracts, awards, purchases or sales executed and all grants or loans made or received for more than \$50,000, in addition to all change orders or amendments in which the total additions exceeded \$50,000.

Please contact me at (216) 698-2064 if you would like additional information on any of these items.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lindy Burt", written over a large, stylized flourish.

Lindy Burt  
Special Assistant



	Requestor	Item
1	Common Pleas Court	Corrections Planning Board, submitting a contract with Cleveland Municipal Court in the amount not-to-exceed \$218,360.00 for the Domestic Intervention, Education and Training Program for the period 7/1/2013 - 6/30/2014. Funding Source: 100% Ohio Department of Rehabilitation and Corrections FY2014 Community Correction Act grant funds
2	Common Pleas Court	Corrections Planning Board, submitting an amendment to Contract No. CE1100473-02 with Oriana House, Inc. for a Cognitive Skills Development Program for the period 7/1/2011 - 6/30/2014 for a decrease in the amount of (\$60,000.00). Funding Source: 100% by Ohio Department of Rehabilitation and Corrections Funds
3	Common Pleas Court	Corrections Planning Board, submitting an amendment to Contract No. CE1200411-01 with Fieldware, LLC for an Automated Notification System for the period 6/1/2012 - 6/30/2013 to extend the time period to 12/31/2013 and for a decrease in the amount of (\$75,125.00). Funding Source: 100% Ohio Department of Rehabilitation and Corrections FY2013 Technology and Training Grant Funds
4	Common Pleas Court/ Corrections Planning Board	Requesting approval to apply for and accept grant funds from Ohio Department of Rehabilitation and Correction in the amount of \$1,199,200.00 for the FY2014 Community Corrections Act Probation Improvement and Incentive Grant Program for the period 10/1/2013 - 6/30/2015. Funding Source: FY2014 Community Corrections Act Probation Improvement and Incentive Grant Program grant funds.
5	County Prosecutor	Recommending an award on RQ27376 and enter into a contract with Elsie Day dba Elsie Day Consulting Services in the amount not-to-exceed \$150,000.00 for consultant grant coordinator services for the period 7/15/2013 - 6/30/2016. Funding Source: General Funds
6	County Prosecutor	Approving amendment of March 12, 2010 Engagement Letter between the Prosecutor's Office and Thompson Hine LLP to complete reconciliation of legal services in connection with the Convention Center and Medical Mart project in the amount of \$350,000 and to extend the engagement from May 1, 2013, until December 31, 2013, for closeout of construction work on the project, for a monthly fee of \$10,000, for a total amendment value of \$420,000.
7	County Sheriff	A) Requesting approval to apply for and accept grant funds from Ohio Department of Rehabilitation and Correction, Division of Parole and Community Services, Bureau of Community Sanctions in the amount of \$200,001.00 for the Local Incarceration Program in connection with the FY2012 Community Correction Act Grant Program for the period 7/1/2013 - 6/30/2014. B) Submitting a grant agreement with Ohio Department of Rehabilitation and Correction, Division of Parole and Community Services, Bureau of Community Sanctions in the amount of \$200,001.00 for the Local Incarceration Program in connection with the FY2012 Community Correction Act Grant Program for the period 7/1/2013 - 6/30/2014. Funding Source: FY2012 Community Correction Act Grant Funds
8	Department of Development	Submitting an agreement with Neighborhood Housing Services of Greater Cleveland, Inc. for HOME funded activities in the amount not-to-exceed \$100,000.00. Anticipated start - completion dates are 07/01/2013 - 08/31/2015. Funding Source: Federal HOME program funds through the Cuyahoga Housing Consortium.
9	Department of Development	Requesting approval of an NCO Technology Fund Loan with Motion Resolution, LLC in the amount not to exceed \$100,000.00 and requesting authority for the Director to execute all documents required in connection with said loan. Funding Source: 100% Western Reserve Fund
10	Department of Development	Requesting approval of an Economic Development Loan to Northeast Care Center in the amount not-to-exceed \$160,000.00 to assist with financing infrastructure improvements to their existing facility located at 13405 York Road, North Royalton, Ohio and authorizing the Director of Development or Deputy Chief of Staff for Development to execute the documents, subordination agreements and other instruments and agreements, with such parties that may be required or appropriate, to effectuate the loan. Funding Source: Community Development Block Grant Funds
11	Department of Health and Human Services	Community Initiatives Division/Office of Homeless Services, submitting an amendment to Contract No. CE1200657-01 with Stella Maris, Inc. for shelter, alcohol and drug treatment services for homeless men for the period 11/1/2012 - 6/30/2013 to extend the time period to 6/30/2014 and for additional funds in the amount of \$195,000.00. Funding Source: Funding Source: 100% Health & Human Services Levy funds
12	Department of Health and Human Services	Office of Re-entry, submitting an amendment to Contract No. CE1300001-01 with Orianna House, Inc. for operation of the North Star Neighborhood Reentry Resource Center for the period 1/1/2013 - 12/31/2015 to change the scope of services, effective 7/1/2013 and for additional funds in the amount of \$80,000.00. Funding Source: 100% Health & Human Services Levy funds

	Requestor	Item
13	Department of Health and Human Services	Office of Re-entry, requesting approval to apply for and accept grant funds from U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance in the amount of \$750,000.00 for planning and implementation for the FY2013 Second Chance Act Adult Offender Reentry Demonstration Program for the period 10/1/2013 - 9/30/2014. Funding Source: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance
14	Department of Health and Human Services	Community Initiatives Division/Office of Homeless Services, submitting various grant agreements with the U.S. Department of Housing & Urban Development for FY2012 Continuum of Care Homeless Assistance Grant Programs in connection with the McKinney-Vento Homeless Assistance Act for the period 1/1/2013 - 12/31/2014: A) in the amount of \$174,731.00 for the Zelma George Link Project for the Supportive Housing Program grant. B) in the amount of \$10,0248,516.00 for the Emerald Development and Economic Network, Inc. Shelter Plus Care Tenant Based Rental Assistance project for the Shelter Plus Care Rent Subsidy Program grant. Funding Source: 100% by the U.S. Department of Housing & Urban Development.
15	Department of Health and Human Services	Cuyahoga Job and Family Services, submitting an amendment to Contract No. CE1200654-01 with Catholic Charities Corporation fka Catholic Charities Health & Human Services for employment and refugee resettlement services for the period 10/1/2012 - 9/30/2013 for additional funds in the amount not-to-exceed \$145,000.00. Funding Source: 100% Federal Refugee Social Service Program funds
16	Department of Health and Human Services	Division of Children and Family Services, submitting an amendment to Contract No. CE1200702-01 with The JRS Group, LTD for strategic planning services for the period 12/1/2012 - 12/31/2014 to change the scope of services, effective 8/1/2013, and for additional funds in the amount of \$64,000.00. Funding Source: 33% Federal and 67% Health and Human Services Levy
17	Department of Health and Human Services	Community Initiatives Division/Office of Homeless Services, recommending an award on RQ27973 and enter into a contract with The Salvation Army of Greater Cleveland in the amount not-to-exceed \$171,403.00 for the Supportive Housing Program for families for the FY2012 Cuyahoga County Continuum of Care Program in connection with the HEARTH Act Homeless Assistance Grant for the period 2/1/2013 - 1/31/2014. Funding Source: 100% by the U.S. Department of Housing & Urban Development.
18	Department of Health and Human Services	Community Initiatives Division/Office of Homeless Services, recommending an award on RQ27972 and enter into a contract with West Side Catholic Center in the amount of \$311,069.00 for supportive services for homeless women and families for the Housing Empowerment Grant Program for the FY2012 Cuyahoga County Continuum of Care Program in connection with the HEARTH Act Homeless Assistance Grant for the period 5/1/2013 - 4/30/2014. Funding Source: 100% by the U.S. Department of Housing & Urban Development through the McKinney-Vento Homeless Assistance Grant.
19	Department of Health and Human Services	Community Initiatives Division/Office of Homeless Services, submitting a grant agreement with U.S. Department of Housing and Urban Development in the amount of \$317,109.00 for the West Side Catholic Housing Empowerment Program project for the FY2012 Cuyahoga County Continuum of Care Program in connection with the HEARTH Act Homeless Assistance Grant for the period 1/1/2013-12/31/2014. Funding Source: .U.S. Department of Housing & Urban Development
20	Department of Health and Human Services	Division of Children and Family Services, submitting an amendment to Agreement No. AG1300040-01 with Cuyahoga County Board of Developmental Disabilities for Individual Option Medicaid Waiver program eligibility verification services for reimbursement of Medicaid Home and Community Based services for the period 1/1/2013 - 12/31/2013 for additional funds in the amount not-to-exceed \$170,000.00. Funding Source: Federal Funds (29%) and the Health and Human Service Levy (71%).
21	Department of Health and Human Services	Division of Children and Family Services, submitting a grant agreement with Ohio Department of Job and Family Services in the amount of \$805,594.00 for the Ohio Child Welfare Training Program for the period 7/1/2013 - 6/30/2015. Funding Source: Ohio Department of Job and Family Services for the Ohio Child Welfare Training Program grant funds(OCWTP).
22	Department of Health and Human Services	Division of Cuyahoga Job and Family Services, submitting an amendment to Contract No. CE1200504-01 with Starting Point for referral agency services for the period 8/1/2012 - 7/31/2013 to extend the time period to 7/31/2014 and for additional funds in the amount of \$70,704.00. Funding Source: 100% Federal Child Care Administration Funds
23	Department of Health and Human Services	Cuyahoga Job and Family Services, recommending an award on RQ28029 and enter into a state contract with Northwoods Consulting Partners, Inc. in the amount not-to-exceed \$303,929.00 for maintenance on the Electronic Document Management System for the period 7/1/2013 - 6/30/2014. Funding Source: 100% Public Assistance Funds

	<b>Requestor</b>	<b>Item</b>
24	Department of Health and Human Services	Cuyahoga Job and Family Services, recommending an award on RQ28026 and enter into a state contract with Northwoods Consulting Partners, Inc. in the amount not-to-exceed \$70,600.00 for licenses, maintenance and support on the Premier Appointment Manager System for the period 7/1/2013 - 6/30/2014. Funding Source: 100% Public Assistance Funds
25	Department of Health and Human Services	Community Initiatives Division/Family and Children First Council, recommending an award on RQ25858 to Case Western Reserve University on behalf of The Begun Center for Violence Prevention Research and Education Mandel School of Applied Social Science in the amount of \$500,000.00 for evaluation services for the period 8/1/2013 - 7/31/2015. Funding Source: 100% Health and Human Services Levy Funds
26	Department of Health and Human Services	Division of Senior and Adult Services, recommending an award on RQ26663 and enter into a contract with Collaborative Research, LLC. in the amount not-to-exceed \$50,000.00 for consultant services for development and implementation of a 3-year strategic plan for the period 8/1/2013 - 11/30/2013. (Deputy Chief Approval No. DC2013-84 - authority to seek proposals.) Funding Source: 100% Health and Human Services Levy funds
27	Department of Health and Human Services	Community Initiatives Division/Office of Early Childhood, submitting a grant award in the amount of \$175,000.00 from The Cleveland Foundation for evaluation of the Invest in Children's programs and maintenance of the Childhood Integrated Longitudinal Data System (CHILD) for the period 7/1/2013 - 6/30/2014. Funding Source: Cleveland Foundation Grant
28	Department of Health and Human Services	Division of Senior and Adult Services, submitting a grant agreement with Cuyahoga County District Board of Health in the amount of \$56,500.00 for Home and Community Based Health and Home Health Care Services for the FY2013 Ryan White HIV/AIDS Treatment Extension Act Part A grant program and Minority AIDS Initiative for the period 3/1/2013 - 2/28/2014. Funding Source: Cuyahoga County District Board of Health Grant Funds
29	Department of Health and Human Services	Community Initiatives Division/Office of Homeless Services, recommending an award on RQ28315 and enter into a contract with Emerald Development & Economic Network, Inc. in the amount not-to-exceed \$371,928.00 for managing the Shelter Plus Care Sponsor Based Rental Assistance Program in connection with the McKinney-Vento Homeless Assistance Act for the period 9/1/2013 - 8/31/2014. Funding Source: 100% U.S. Department of Housing & Urban Development, McKinney-Vento Homeless Assistance Grant
30	Department of Health and Human Services	Community Initiatives Division/Office of Early Childhood,A) Submitting an RFP exemption on RQ28434, which will result in an award recommendation to The Children's Museum of Cleveland in the amount of \$92,000.00 for the design and development of the Young Children's Emotional Development Exhibit for the period 5/1/2013 - 4/30/2014. B) Recommending an award on RQ28434 and enter into a contract with The Children's Museum of Cleveland in the amount not-to-exceed \$92,000.00 for the design and development of the Young Children's Emotional Development Exhibit for the period 5/1/2013 - 4/30/2014. Funding Source: 100% from private sources. \$50,000 (54.4%) Treu-Mart Fund; \$42,000 (45.6%) donated funds from United Way
31	Department of Information Technology	Recommending an award on RQ27471 and enter into a contract with Endicott Microfilm, Inc. in the amount not-to-exceed \$127,855.00 for maintenance on Kodak scanners for various County departments for the period 7/1/2013 - 6/30/2014. Funding Source: 100% General Funds
32	Department of Information Technology	Submitting a contract with TEC Communications, Inc. in the amount not-to-exceed \$145,173.60 for Smart Net IronPort devices for the period 7/1/2013 - 6/30/2014. Funding Source: 100% General Fund
33	Department of Information Technology	Recommending an award on RQ27419 and enter into a contract with Infor (US), Inc. fka Infor Global Solutions (Michigan), Inc., sole source, in the amount not-to-exceed \$127,912.17 for maintenance and support on IBM/MVS/VSAME E Series Version payroll processing system for the period 7/2/2013 - 7/1/2015. Funding Source: 100% General Funds
34	Department of Information Technology	Submitting an amendment to Contract No. CE1300351-01 with Service Express, Inc., for server maintenance county wide for the period of 3/1/2013 - 2/28/2018 to change the scope of services, effective 8/1/2013 and for additional funds in the amount not-to-exceed \$50,000.00. Funding Source: 100% General Funds
35	Department of Public Safety & Justice Services	Witness/Victim Service Center is requesting authority to apply for and accept a cooperative agreement with the United States Department of Justice for the Defending Childhood Initiative for the anticipated amount of \$610,000.00. The anticipated start-completion dates are 10/1/2013 to 09/30/2014. Funding: This project is funded 100% by the United States Department of Justice. No match from Cuyahoga County is required.

	Requestor	Item
36	Department of Public Safety and Justice Services	Public Safety Grants, submitting an amendment to a grant award from the Ohio Department of Youth Services for the FY2011 Title II Juvenile Justice and Delinquency Prevention Block Grant Program for the period 1/1/2012 - 9/30/2012 to extend the time period to 9/30/2013 and for additional funds in the amount of \$71,518.00. Funding Source: Ohio Department of Youth Services through the Federal Office of Juvenile Justice and Delinquency Prevention Block grant funds
37	Department of Public Safety and Justice Services	Public Safety Grants, submitting a grant award with Ohio Department of Youth Services in the amount of \$160,429.00 for the FY2012 Title II Juvenile Justice and Delinquency Prevention Block Grant Program for the period 1/1/2013 - 6/30/2014. Funding Source: Ohio Department of Youth Services through the Federal Office of Juvenile Justice and Delinquency Prevention funds
38	Department of Public Safety and Justice Services	Public Safety Grants, submitting an amendment to Agreement No. AG1200070-01 with City of Cleveland for planning, training, exercises, equipment and grant administration expenses in connection with the FY2010 Urban Area Security Initiative Grant Program for the period 8/1/2010 - 6/30/2013 for additional funds in the amount of \$60,433.64. Funding Source: 100% Department of Homeland Security through Ohio Emergency Management Agency
39	Department of Public Safety and Justice Services	Public Safety Grants, submitting an agreement with City of Solon for the purchase of equipment, valued in the amount of \$83,127.80, for the FY2007 Urban Area Security Initiative Grant Program for the period 7/1/2007 - 9/30/2010. Funding Source: 100% FY 07 Urban Area Security Initiative grant funded and is passed through to Cuyahoga County from the Department of Homeland Security (DHS) through Ohio Emergency Management Agency (OEMA).
40	Department of Public Safety and Justice Services	Public Safety Grants, submitting amendments to various subgrant awards from Ohio Department of Youth Services: A) In the amount of \$20,000.00 for administration of the FY2011 Title II Juvenile Justice and Delinquency Prevention Block Grant Program for the period 1/1/2012 - 12/31/2012 to extend the time period to 9/30/2013; no additional funds required. B) In the amount of \$182,766.00 for the FY2011 Juvenile Accountability Block Grant Program for the period 1/1/2012 - 6/30/2013 to extend the time period to 12/31/2013; no additional funds required. Funding Source: (Original subgrant awards - Federal Office of Juvenile Justice Delinquency Prevention grant funds through the Ohio Department of Youth Services)
41	Department of Public Safety and Justice Services	Public Safety Grants, submitting an agreement with Chagrin Valley Dispatch Council of Governments for the purchase of equipment, valued in the amount of \$251,374.55, for the FY2009 State Homeland Security Grant Program for the period 8/1/2009 - 4/30/2012. Funding Source: FY 09 State Homeland Security Funds through Ohio Emergency Management Agency
42	Department of Public Safety and Justice Services	Public Safety Grants, submitting an agreement with Chagrin Valley Dispatch Council of Governments for the purchase of equipment, valued in the amount of \$445,727.10, for the FY2010 Urban Area Security Initiative Grant Program for the period 8/1/2010 - 7/31/2013. Funding Source: FY10 Urban Area Security Initiative Funds through Ohio Emergency Management Agency
43	Department of Public Safety and Justice Services	Public Safety Grants, submitting amendments to contracts with various providers in connection with FY2010 Department of Health and Human Services, Substance Abuse and Mental Health Administration Adult Drug Courts Grant Program for the period 9/30/2010 - 9/29/2013 for additional funds: A) Contract No. CE1200040-03 with Case Western Reserve University in the amount not-to-exceed \$65,000.00 for program evaluation services for the Common Pleas Court Felony Drug Court Project. B) Contract No. CE1100363-03 with Community Assessment and Treatment Services, Inc. for additional funds in the amount not-to-exceed \$79,561.00 for substance abuse treatment services. C) Contract No. CE1100315-03 with Chestnut Health Systems, Inc. for additional funds in the amount not-to-exceed \$26,289.00 for Global Appraisal of Individual Needs (GAIN) assessment training and monitoring services. Funding Source: U. S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.
44	Department of Public Works	Submitting an amendment to Contract No. CE1000462-01, 02, 03 with The Brewer-Garrett Company for implementation of energy conservation measures in various County buildings in accordance with Ohio Revised Code Section 307.041 and American Recovery and Reinvestment Act of 2009 reporting requirements for the period 7/1/2010 - 6/30/2020 to change the scope of services, effective 6/20/2013 and for additional funds in the amount of \$414,060.00. Funding Source: 100% General Funds
45	Department of Public Works	Recommending an award on RFQ25983 and enter into a contract with R.E. Warner & Associates, Inc. in the amount not-to-exceed \$150,000.00 for general architectural/engineering services for the period 7/1/2013 - 6/30/2016. Funding Source: 100% General Fund
46	Department of Public Works	Recommending an award on RQ26579 and enter into a contract with Vocon Partners LLC in the amount not-to-exceed \$165,000.00 for professional design services for a multi- agency County building space study. Funding Source: 100% General Funds

	Requestor	Item
47	Department of Public Works	Submitting an amendment (Subsidiary No. 1) to Contract No. CE1200486-03 with Independence Excavating, Inc. for the Cuyahoga Area of Concern Urban Riparian Habitat Restoration project in the City of Cleveland for additional funds in the amount of \$69,977.28. Funding Source: Environmental Protection Agency (EPA) grant funds.
48	Department of Public Works	Submitting an amendment (Subsidiary No. 1) to Contract No. CE1200508-02 with Terrace Construction Company, Inc. for improvement of East 105th Street/Martin Luther King Drive Intersection in the City of Cleveland for additional funds in the amount of \$56,125.62. Funding Source: 50% Federal Funds, 42% Ohio Public Works Commissioner, 4% Cuyahoga County, 4% City of Cleveland.
49	Department of Public Works	Submitting an amendment to Contract No. CE1100593-01 with TranSystems Corporation of Ohio for consultant engineering services for rehabilitation of Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland to change the scope of services, effective 07/08/2013 and for additional funds in the amount of \$344,202.00. Funding Source: 80% Federal Funds, 10% County Road and Bridge and 10% City of Cleveland
50	Department of Public Works	Recommending an award on RQ25978 and enter into a contract with Hill International, Inc. in the amount not-to-exceed \$300,000.00 for construction management services. Funding Source: \$7.50 Fund (Road Improvement-Permissive)
51	Department of Public Works	A) Submitting an amendment (Subsidiary No. 11) to Contract No. CE0800032-01 with Anthony Allega Cement Contractor, Inc. for the grading, draining and paving of Eastland Road from Bagley Road to State Route 237 including the grade separation at the Conrail Railroad and the replacement of Eastland Road Bridge No. 27 over Lake Abrams Ditch in the Cities of Berea, Brook Park and Middleburg Heights for a decrease in the amount of (\$643,155.73). B) Recommending to accept the project as complete and in accordance with plans and specifications. C) Requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63. Funding Source: Eighty (80%) percent federal funds, thirteen (13%) percent county funds using the \$5.00 Vehicle License Tax Fund and seven (7%) percent the Cities of Berea, Brookpark and Middleburg Heights.
52	Department of Public Works	Recommending an award on RQ25837 and enter into a contract with TranSystems Corporation of Ohio in the amount not-to-exceed \$230,529.00 for engineering services for improvement of Hilliard Road Bridge 08.57 over Rocky River in the Cities of Lakewood and Rocky River. (Deputy Chief Approval No. DC2012-263 - authority to seek qualifications). Funding Source: 100% Road and Bridge Funds
53	Department of Public Works	Department of Public Works, recommending an award on RQ27720 and enter into a contract with Relocation Specialists, Inc. in the amount not-to-exceed \$497,730.00 for transition planning, move coordination and management services for the County headquarters and storage consolidation for the period 8/5/2013 - 6/30/2015. Funding source: 100% by the County General Fund
54	Department of Public Works	Submitting an amendment (Subsidiary No 2) to Contract No. CE1100721-01 with American Bridge Company for rehabilitation of Columbus Road Lift Bridge over the Cuyahoga River in the City of Cleveland for additional funds in the amount not-to-exceed \$56,567.26. Funding Source: 80% Federal Funds and 10% County using funds from the \$5.00 Vehicle License Tax and 10% City of Cleveland
55	Department of Public Works	Recommending an award on RQ28176 and enter into a contract with R.W. Clark Co. (3-1) in the amount not-to-exceed \$332,903.00 for Courthouse Square storm drainage repairs. Funding Source: 2012 Emergency Response Initiative - Capital Projects Fund
56	Department of Public Works	Recommending an award on RQ25987 and enter into a contract with Heritage Land Services, Inc. in the amount not-to-exceed \$86,550.00 for right-of-way review services in connection with the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township. (Deputy Chief Approval No. DC2012-274 - authority to seek qualifications). Funding Source: 80% Federal Funding and 20% County Road and Bridge Funds
57	Department of Public Works	Recommending an award on RQ23679 and enter into a contract with SageQuest LLC, in the amount not-to-exceed \$499,008.00 for global positioning system fleet tracking services for 400 vehicles for the period 8/1/2013 - 7/31/2015. (Deputy Chief Approval No. DC2012-93 - authority to seek proposals). Funding Source: 33% Sanitary Engineering funds, 33% County General funds and 33% County Road and Bridge funds.
58	Department of Workforce Development	In partnership with City of Cleveland as designated Local Workforce Investment Area No. 3 submitting various subgrant agreements with Ohio Department of Job and Family Services: A) In the amount of \$506,024.00 for Workforce Investment Act grant funds for the period 7/1/2013 - 6/30/2015. B) In the amount of \$420,000.00 for the Ohio Disability Employment Initiative Project for the period 7/1/2013 - 9/30/2014. Funding Source: 100% Federal Workforce Investment Act Funds
59	Fiscal Office	Recommending an award on RQ27811 and enter into a contract with EuQuant, Inc. in the amount not-to-exceed \$66,000.00 for development, data collection and analysis of a Disparity Study for the period 7/11/2013 - 7/10/2014. Funding Source: General Funds

	Requestor	Item
60	Fiscal Office	County Treasurer, submitting an amendment to Contract No. CE1000064-02 with PFM Asset Management, LLC, for investment advisor services for the period 1/1/2010 - 3/31/2013 to extend the time period to 9/30/2013 and for additional funds in the amount of \$52,500.00. Funding Source: 100% General Funds
61	Juvenile Court	Submitting amendments to contracts with various providers for Functional Family Therapy services for the period 1/1/2013 - 6/30/2013 to extend the time period to 6/30/2014 and for additional funds: A) No. CE1300025-01 with Catholic Charities Corporation fka Catholic Charities Services Corporation dba Parmadale Family Services, Inc. in the amount not-to-exceed \$75,000.00. B) No. CE1300026-01 with Guidestone in the amount not-to-exceed \$65,000.00. Funding Source: 100% funded by RECLAIM Ohio Grant Funds
62	Juvenile Court	Submitting an amendment to Contract No. CE0900189-01, 02 with Handel Information Technologies, Inc. for maintenance on the RiteTrack Juvenile Justice Information System for the period 1/1/2009 - 12/31/2013 to extend the time period to 12/31/2015, to change the scope of services, effective 7/15/2013 and for additional funds in the amount of \$108,079.92. Funding Source: 31% funded by the General Funds and 69% funded by RECLAIM Ohio Grant Funds.
63	Juvenile Court	Submitting an amendment to Contract No. CE0900189-01, 02 with Handel Information Technologies, Inc. for maintenance on the RiteTrack Juvenile Justice Information System for the period 1/1/2009 - 12/31/2013 to extend the time period to 12/31/2015, to change the scope of services, effective 7/15/2013 and for additional funds in the amount of \$108,079.92. Funding Source: 31% funded by the General Funds and 69% funded by RECLAIM Ohio Grant Funds.
64	Juvenile Court	Submitting a subgrant agreement with Ohio Department of Job and Family Services in the amount of \$5,000,000.00 for reimbursement of Title IV-E eligible expenses for foster care placement and maintenance for the period 7/1/2013 - 6/30/2015. Funding Source: State of Ohio as pass-through funds from the United States Department of Health and Human Services.
65	Medical Examiner	Recommending an award on RQ26909 and enter into a contract with Esposito Mortuary Services, Inc. in the amount not-to-exceed \$375,000.00 for body transportation services for the period 8/1/2013 - 7/31/2014. Funding Source: 100% General Funds
66	Medical Examiner	Recommending an award on RQ27230 and enter into a contract with Life Technologies Corporation in the amount not-to-exceed \$85,246.93 for maintenance services on 2-AB7500 Real Time PCR Systems and 4 Genetic analyzers for the period 8/21/2013 - 8/20/2016. Funding Source: 100% General Funds
67	Office of Procurement & Diversity	Recommending an award on behalf of Department of Public Works A) on RQ26178 to East Jordan Iron Works, Inc. dba EJ USA, Inc. (8-2) in the amount of \$196,000.00 for sewer and basin castings and supplies for the period 7/1/2013 - 6/30/2015. Funding Source: 100% Sewer Relief Fund
68	Office of Procurement & Diversity	Recommending an award: Department of Public Works a) on RQ27191 to Newell Equipment, Inc. (14-3) in the amount of \$80,410.00 for 2-Tandem bodies mounted on International 7500 Cab & Chassis. Funding Source: Sanitary Engineering Funds
69	Office of Procurement & Diversity	Recommending an award: Department of Information Technology a) on RQ27711 with En Pointe Technologies Sales, Inc. in the amount of \$56,158.40 for the purchase of 5-Visual Studio Premium Licenses for use by Cuyahoga Job and Family Services (State Contract No. 534098 Ordinance No. 2011-0044, Section 4.4(b)20)). Funding Sources: Health & Human Services Levy / Public Assistance Funds.
70	Office of Procurement & Diversity	Recommending an award: Department of Public Works, a) on RQ26626 with Germain Ford for 2-Police Interceptor vehicles in the amount not-to-exceed \$52,277.32 (State Contract No. RS901213-3). Funding Source: General Funds
71	Office of Procurement & Diversity	Recommending an award: Department of Information Technology a) on RQ27665 to Endicott Microfilm, Inc. (1-1) in the amount of \$247,510.00 for the purchase of 6-Kodak I5200 scanners and 14 Kodak Capture Pro Software Assurance Group E and F Licenses for the Clerk of Courts. Funding Source: 100% General Funds

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0215

Sponsored by: <b>Councilmembers Connally, Rogers and Germana</b>	<b>A Resolution</b> approving and concurring with amendments made to the Northeast Ohio Areawide Coordinating Agency (“NOACA”) Code of Regulations on 8/9/2013 as shown in NOACA Resolution No. 2013-027, and declaring the necessity that this Resolution become immediately effective.
--	--

WHEREAS, County Councilmembers Connally, Rogers and Germana have recommended approval and concurrence with amendments made to the Northeast Ohio Areawide Coordinating Agency (“NOACA”) Code of Regulations; and,

WHEREAS, on August 9, 2013, the governing board of NOACA adopted the amendments made to the NOACA Code of Regulations, NOACA Board Resolution No. 2013-027; and,

WHEREAS, the amendments to Articles IV and IX of the NOACA Code of Regulations do not become effective unless and until ratified by the five member counties;

WHEREAS, Article IV of the NOACA Code of Regulations establishes the NOACA Board of Directors, providing for the Board’s duties, composition, alternates, terms, election of officers, vacancies, removal of members, compensation of board members, and applicability of Ohio Ethics Law ; and

WHEREAS, Article IX of the NOACA Code of Regulations governs the process by which the NOACA Code of Regulations may be amended; 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 entity.

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

**SECTION 1.** That the Cuyahoga County Council hereby approves and concurs with the amendments made to the NOACA Code of Regulations on August 9, 2013, as shown in NOACA Resolution No. 2013-027.

**SECTION 2.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_





**2013 GOVERNING BOARD MEMBERS**

**President**  
• Valarie J. McCall, Chief of Government Affairs  
City of Cleveland

**First Vice President**  
• Mary E. Samide, Commissioner  
Geauga County Board of Commissioners

**Second Vice President**  
• Ted Kalo, Commissioner  
Lorain County Board of Commissioners

**Secretary**  
• Daniel P. Troy, Commissioner  
Lake County Board of Commissioners

**Assistant Secretary**  
Kathleen Scheutow, Trustee  
Brunswick Hills Township, Medina County

**Assistant Secretary**  
Robert E. Aufjudisch, Commissioner  
Lake County Board of Commissioners

**Treasurer**  
• Stephen D. Hambley, Commissioner  
Medina County Board of Commissioners

**Assistant Treasurer**  
Julius Ciaccia, Jr., Executive Director  
N. E. Ohio Regional Sewer District

**Assistant Treasurer**  
John D. Hunter, Mayor  
Sheffield Village, Lorain County

**(Immediate Past Governing Board President)**  
• Edward S. Jerse, Director of  
Regional Collaboration, Cuyahoga County

Robert G. Blomquist, Mayor  
City of Olmsted Falls

Anthony Brancatelli, Councilperson  
City of Cleveland

Holly Brinda, Mayor  
City of Elyria

Robert N. Brown, Director of Planning  
City of Cleveland

Joseph A. Calabrese  
GCRTA General Manager/CEO  
Kenneth P. Carney, Sr., PE., P.S., Engineer  
Lorain County

William R. Cervenik, Mayor  
City of Euclid

Scott E. Coleman, Mayor  
City of Highland Heights

Timothy J. DeGeeter, Mayor  
City of Parma

Christopher Easton, Service Director  
City of Wadsworth

• Edward O. FitzGerald, County Executive  
Cuyahoga County

William D. Friedman, President & CEO  
Cleveland-Cuyahoga County Port Authority

James R. Gills, PE., P.S., Engineer  
Lake County

Richard Heidecker, Trustee  
Columbia Township

Susan K. Infeld, Mayor  
City of University Heights

• Frank G. Jackson, Mayor  
City of Cleveland

Tracy A. Jemison, Commissioner  
Geauga County Board of Commissioners

Ray Jurkowski, General Manager  
Laketran

Martin J. Keane, Councilperson  
City of Cleveland

Mamie J. Mitchell, Councilperson  
City of Cleveland

Judy Moran, Commissioner  
Lake County Board of Commissioners

Susanna Niermann O'Neil, Acting City Manager  
City of Cleveland Heights

Myron S. Pakush, Deputy Director  
Ohio DOT - District 12

Michael S. Proczuk, Mayor  
Village of Brooklyn Heights

Chase M. Ritenauer, Mayor  
City of Lorain

Julian Rogers, Councilperson  
Cuyahoga County Council

Michael J. Salay, PE., P.S., Engineer  
Medina County

Ralph Spidaliere, Commissioner  
Geauga County Board of Commissioners

Leonard A. Spremulli, Mayor  
Village of Bentleyville

Robert A. Stefanik, Mayor  
City of North Royalton

Michael P. Summers, Mayor  
City of Lakewood

Deborah L. Sutherland, Mayor  
City of Bay Village

Bonita G. Teeuwen, PE., Director  
Cuyahoga County Department of Public Works

Jomarie Wasik, Director of Capital Projects  
City of Cleveland

Tom Williams, Commissioner  
Lorain County Board of Commissioners

**Ex officio Member:**

Kurt Princic, District Chief  
Northeast District Office  
Ohio Environmental Protection Agency

• Executive Committee Members

Grace Gallucci, NOACA Executive Director

August 13, 2013

Honorable Edward FitzGerald, Cuyahoga County Executive  
1219 Ontario Street  
Cleveland OH 44113

Honorable C. Ellen Connally, President, Cuyahoga County Council  
1219 Ontario Street, Room #424  
Cleveland OH 44113

Dear Executive FitzGerald and President Connally:

Enclosed please find NOACA Resolution 2013-027, which revises the NOACA Code of Regulations. Many important changes have been made, including a complete restructuring of the committee process to provide for greater engagement by Board members. My thanks to Mr. Ed Jerse and Mr. Nate Kelly for their efforts related to this successful initiative, principally for their participation in the Code of Regulations Task Force.

The changes identified in red ink in Article IV and Article IX need the concurrence of the five counties of Cuyahoga, Geauga, Lake, Lorain, and Medina before they can become effective. The Resolution contains a 90-day window for this action. A copy of the Code of Regulations as it would appear with all the adopted changes accepted is also enclosed for your reference.

Consequently, I request that your county adopt a resolution as soon as reasonably possible, concurring with these changes. Please call me at any time with questions or concerns. Thank you for your prompt attention to this matter and for your support of NOACA.

Sincerely,

Grace Gallucci  
Executive Director

3149w GG/aw

Enclosure: Resolution 2013-027, adopted by NOACA on August 9, 2013  
Final form of Code of Regulations

RESOLUTION OF THE GOVERNING BOARD  
OF THE  
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

**WHEREAS**, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the Metropolitan Planning Organization (MPO) for the counties of Cuyahoga, Geauga, Lake, Lorain and Medina, and the areawide water quality management agency for the same region; and

**WHEREAS**, the NOACA Code of Regulations provides for the organization and operation of NOACA, its officers, its committees, and the Governing Board itself; and

**WHEREAS**, the NOACA Code of Regulations is periodically reviewed in order to increase the agency's functionality and efficiency, to allow the agency to provide greater service to its members, and to allow for increased public participation and transparency; and

**WHEREAS**, the NOACA Code of Regulations Task Force met to study improvements that might be made to the Code of Regulations and have submitted written recommendations to the Executive Committee and to the Governing Board, which resulted in the Governing Board discussing, recommending revisions to, and tabling Resolution 2013-022 at its July 12, 2013 meeting;

**WHEREAS**, the Task Force convened again and its discussions resulted in the proposed amendments to the Code described in Attachment A.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Board of the Northeast Ohio Areawide Coordinating Agency, consisting of forty-four principal officials serving general purpose local governments throughout and within the Counties of Cuyahoga, Geauga, Lake, Lorain and Medina Counties that:

**Section 1.** The NOACA Code of Regulations is amended as shown in Attachment A, effective immediately, except for those changes in Article IV and Article IX, all of which require the concurrence of the five counties of Cuyahoga, Geauga, Lake, Lorain, and Medina, from whom concurrence is sought within 90 days. If written concurrence is not received within 90 days, the changes contained in Article IV and Article IX will be void and of no effect.

Certified to be a true copy of a Resolution of the  
Governing Board of the Northeast Ohio Areawide  
Coordinating Agency adopted this 9th day of August  
2013.

Secretary: *Daniel P. Troy*

Date Signed: 8/9/13

ATTACHMENT A

2606r

**CODE OF REGULATIONS  
OF THE  
NORTHEAST OHIO AREAWIDE COORDINATING  
AGENCY**

(Agency By-Laws)

Revised **and Restated** as of \_\_\_\_\_, 2013

This document constitutes the revised and restated Code of Regulations of NOACA, as adopted and approved by Board of Directors Resolution 2013-\_\_\_\_\_, adopted \_\_\_\_\_, 2013.

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Revisions to this document include those made by Governing Board Resolution 2010-050, ratified by the five counties on April 5, 2011. All changes from Governing Board Resolution 2011-030, adopted August 12, 2011, are also included. All changes from Governing Board Resolution 2012-050, adopted December 14, 2012, are also included. All changes from Governing Board Resolutions 2013-003 and 2013-004 adopted March 8, 2013, are also included.¶

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**CODE OF REGULATIONS  
OF THE  
NORTHEAST OHIO AREA WIDE COORDINATING AGENCY**

As local officials of the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina and the City of Cleveland, and as part of our responsibilities for carrying out transportation and environmental planning in the five-county region, under local direction and in accordance with federal and state mandates, pursuant to authority granted under Ohio Revised Code Section 307.14, *et seq.*, we have established the Northeast Ohio Areawide Coordinating Agency and adopt the following Code of Regulations.

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**ARTICLE I**

**NAME AND MISSION**

**Section 1.1 Name.** The name of this regional organization is the Northeast Ohio Areawide Coordinating Agency (NOACA or the Agency). The NOACA area for transportation and environmental planning encompasses the Cleveland/Lorain-Elyria metropolitan region including the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina, including the City of Cleveland and less the incorporated area of the City of Vermilion in Lorain County.

**Section 1.2 Mission.** In pursuing responsibilities for transportation and environmental planning for the region, NOACA aims to: (1) improve the quality of life of the region's citizens by enhancing the region's long term economic development potential and by protecting its environmental quality; (2) assist member local governments and agencies in addressing local and regional issues in a cooperative manner; and (3) assure equitable flow and prudent expenditure of public funds.

NOACA supports these aims by: (1) serving as a forum for local public officials to engage in regional debate and intergovernmental cooperation; (2) encouraging local decision-making to be in harmony with the region's transportation and environmental plans; (3) maintaining federal designations and planning processes and meeting federal and state requirements for regional programs; (4) seeking equitable return of state and federal funds to the region to meet locally determined needs; (5) providing information and technical planning support to benefit member communities in order to best use public resources; and (6) advocating interests of the region with state and federal decision-makers.

**ARTICLE II**

**POWERS OF AGENCY**

**Section 2.1 Powers.** The Agency shall act as a comprehensive transportation and environmental planning organization. In so doing it shall plan and coordinate the following four distinct but interrelated areas as: (i) the federal and state designated metropolitan planning

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organization (MPO) for transportation planning; (ii) the federal designated areawide water quality management planning agency for the five-county area, including the Northeast Ohio Lake Erie Basin (NEOLEB) planning area; (iii) the federal designated planning agency to address transportation-related air quality issues in the five-county area; and (iv) planning and support coordination to the region, as directed by the NOACA Board of Directors, for limited environmental management and transportation planning assistance to member communities and other public agencies and non-governmental organizations. The Agency shall also provide information to members and other public and private organizations and the general public within guidelines established by the Board of Directors.

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In addition, the Agency shall exercise powers conferred by applicable federal, state and local laws, regulations, ordinances, rules and policies as well as those powers transferred to it by its members permitted under the Constitution of the State of Ohio and the Ohio Revised Code.

### ARTICLE III

#### MEMBERS

**Section 3.1 Counties.** The counties of Cuyahoga, Geauga, Lake, Lorain and Medina in the State of Ohio have created the Agency pursuant to Ohio Revised Code Section 307.14, *et seq.* in accordance with federal and state mandates and accordingly these counties, acting through their respective Boards of Commissioners or other administrative structures, are the principal members of the Agency.

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**Section 3.2 Cities, Villages and Townships.** By virtue of home rule powers granted by Article XVIII of the Ohio Constitution, as well as statutory or charter authority granted by the Ohio General Assembly or their citizens, the cities, villages, and townships of the NOACA five-county area have important responsibilities for transportation and environmental issues within their jurisdictions. Each city, village and township within the NOACA area is a member of the Agency and entitled to services from the Agency.

**Section 3.3 Regional Governmental Authorities and Districts.** As provided in the Ohio Revised Code, certain portions of the NOACA area constitute special purpose government districts for transportation, mass transit, air quality and waste water planning and management. Accordingly (except as provided) each county-based regional transit authority and regional sewer district within the NOACA area is a member of the Agency and entitled to participate in the Agency.

**Section 3.4 Membership Dues.** Financial responsibility for operation of the Agency rests with the five counties that have created the Agency and the City of Cleveland. Basic dues to support operations of the Agency shall be apportioned by population figures established by the decennial census conducted by the U.S. Bureau of Census and each county and the City of Cleveland shall pay their respective share. Each county and the City of Cleveland may further apportion its share of Agency dues to the governmental entities within its geographic area according to a plan submitted to the Board of Directors, but in all circumstances responsibility for the payment of dues shall remain with each of the five counties and the City of Cleveland. Basic dues may be increased or decreased by the Board of Directors each year.

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**Section 3.5 Suspension of Membership.** Any member whose dues remain unpaid for a period in excess of 90 days after commencement of the fiscal year on each July 1 may be subject to suspension of membership. Suspension of membership may be undertaken by a majority vote of the Board of Directors and may provide for curtailment of voting authority or services and for such other penalties as the Board of Directors may direct in each case. Notice of any member's eligibility for suspension shall be given at regular intervals to the Board of Directors and in writing to the member's chief executive officer.

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**ARTICLE IV**

**BOARD OF DIRECTORS**

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**Section 4.1 Duties of Board of Directors.** The business of the Agency shall be directed by the Board of Directors. The Board of Directors shall exercise all powers of the Agency, which are not otherwise required to be exercised by Agency members.

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**Section 4.2 Composition; Alternates; Term.** The Board of Directors shall consist of representatives from the five counties and the City of Cleveland. The goals for representation are: to bring to the Board's discussions and decision-making the principal elected officials and regional administrators of the NOACA area concerned with transportation and environmental planning; to assure the area's citizens of an approximation of equal representation by population; and to assure the area's citizens of representation reflecting the demographics of the area's population. All members of the Board of Directors must hold an elected or appointed position in or be employed by a political subdivision, government agency, or public body within the geographic area of the respective appointing authorities set forth in Section 4.2(a) through 4.2(f) below. Board positions shall be granted based on requirements of this section. Individual Board members shall be appointed annually and the Board of Directors shall be notified of those appointments at its first meeting each year. Each county and the City of Cleveland shall be responsible for assuring appropriate representation according to this section, recognizing the goal for representation, dues procedures and compliance within each County's, the City of Cleveland's, and the Agency's mission. Each member of the Board shall be entitled to vote on all matters submitted to the Board for a vote.

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(a)	<u>County</u>	<u>Cuyahoga</u> <u>Votes</u>
(i)	.....	County
	Government	
(A)	.....	County
	Executive.....	1
(B)	.....	Director of
	Public Works.....	1
(C)	.....	County
	Executive Appointee.....	1
(D)	.....	County
	Council Member.....	1

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(ii).....	Regional Authorities	
(A).....	Northeast Ohio Regional Sewer District	1
(B).....	Greater Cleveland Regional Transit Authority (President of the Board of Trustees or General Manager, as the President of the Board of Trustees may designate)	1
(C).....	Cleveland-Cuyahoga Port Authority	1
<b>TOTAL</b> .....		<b>7</b>

(iii).....	Cuyahoga Suburban Regions	
(A).....	West Shore Region	1
(B).....	Southwest Region	1
(C).....	South/Central Region	1
(D).....	Cuyahoga Region	1
(E).....	Chagrin/Southeast Region	1
(F).....	Heights Region	1
(G).....	Hillcrest Region	1
(H).....	City of Cleveland Heights	1
(I).....	City of Euclid	1
(J).....	City of Lakewood	1
(K).....	City of Parma	1
<b>TOTAL</b> .....		<b>11</b>

(iv).....	City of Cleveland	
(A).....	Mayor/Chief of Government and International Affairs	1
(B).....	Director of Capital Projects	1
(C).....	Council Member	1
(D).....	Council Member	1

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(E) .....	Council	
Member .....		1
(F) .....	City Planning	
Director .....		<u>1</u>
<b>TOTAL</b> .....		<b>6</b>

**(b) Geauga County**

(i) .....	County	
Commissioner .....		1
(ii) .....	County	
Commissioner .....		1
(iii) .....	County	
Commissioner .....		<u>1</u>
<b>TOTAL</b> .....		<b>3</b>

**(c) Lake County**

(i) .....	County	
Commissioner .....		1
(ii) .....	County	
Commissioner .....		1
(iii) .....	County	
Commissioner .....		1
(iv) .....	County	
Engineer .....		1
(v) .....	Laketran	<u>1</u>
<b>TOTAL</b> .....		<b>5</b>

**(d) Lorain County**

(i) .....	County	
Commissioner .....		1
(ii) .....	County	
Commissioner .....		1
(iii) .....	County	
Commissioner (County Engineer) .....		1
(iv) .....	City of Lorain	
.....		1
(v) .....	City of Elyria	
.....		1
(vi) .....	Municipal Representative	
.....		1
(vii) .....	Township Representative	
.....		<u>1</u>
<b>TOTAL</b> .....		<b>7</b>

**(e) Medina County**

(i) .....	County	
Commissioner .....		1

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(ii) .....	County
Commissioner (Municipal Representative) .....	1
(iii) .....	County
Commissioner (Township Representative).....	1
(iv).....	County
Engineer.....	1
<b>TOTAL</b> .....	<b>4</b>

**(f) State of Ohio**

(i) .....	Department
of Transportation	
(appointment to be made by ODOT Director).....	<b>1</b>
<b>TOTAL</b> .....	<b>44</b>

(g) Pursuant to contracts approved by the Board of Directors, a representative of the Ohio Environmental Protection Agency, Northeast District Office, is a non-voting member of the Board of Directors of the Agency. The Departments of Development, Natural Resources and the Environmental Protection Agency of the State of Ohio, as well as such other agencies of government as the Board of Directors may approve by resolution adopted at a meeting, may be represented. Representatives of these agencies shall have rights established by the Board of Directors but shall not have a right to vote or a right of initiative.

(h) No staff member of any regional or county planning commission, no consultant, nor any Agency staff member, whether part time or full time, whose salary is reimbursed in whole or in part by or through the Agency, shall vote as a member or alternate of the Board of Directors or the Executive Committee on appropriations, grants or contracts between NOACA and the employer of such person, but attendance of such person may be included in determining a quorum.

(i) The Agency may at times enter into contracts or other transactions with organizations and individuals with whom members of the Board of Directors have a personal or financial relationship. Each person who is a member of the Board of Directors has a duty to exercise their responsibilities in the best interests of the Agency. No Board member will use his or her position with the Agency for his or her own direct or indirect financial gain. Any Board member who has a personal or financial interest in, or who is an owner or principal of a private and nonpublic entity with an interest in, any matter coming before the Board of Directors, or any committee of the Board of Directors on which he or she serves, shall: (i) disclose his or her interest to the President of the Agency or committee chair; (ii) not participate in discussion or deliberations on the matter; and (iii) abstain from voting on the matter. Such disclosure and abstention shall be noted in the minutes of the meeting. Notwithstanding the foregoing, a member of the Board of Directors who has a personal or financial interest in a matter may, at the request of the President of the Board or a committee chair, present information regarding such matter. A Board member who abstains from a matter shall nevertheless be counted in determining a quorum. Each Board member shall identify to the Agency known and potential conflicts of interest annually.

(j) Each person who is a member of the Board of Directors shall designate one alternate to act in the absence of such member, which alternate shall keep the member informed of all matters

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¶ Each person who is a member of the Governing
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that come before the Board of Directors or any committee on which such alternate serves. When attending a meeting, alternates shall possess full powers in all matters that come before the Board and shall have all the rights and responsibilities of a Board member, including all fiduciary and other responsibilities to the Agency. Each alternate shall be considered a Board member with respect to all actions taken in his or her capacity as an alternate, including any duties as an Executive Committee member.

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(k) Designation of an alternate shall be in writing and must be submitted to the President of the Board. Each designation shall be effective until it is revoked or modified by the Board member who made such designation or his or her successor. Each person who is a member of the Board of Directors may revoke or modify the designation at any time in writing submitted to the President of the Board. Alternates shall, at the time of their appointment and at all times during which they serve on the Board of Directors, hold an elected or appointed position in or be employed by a political subdivision, government agency or public body within the geographic area of the respective appointing authority.

(l) Each person who is a member of the Board of Directors by virtue of a position representing a county within the five-county area may elect to vote by written proxy on any matter submitted to the Board. Alternates are specifically precluded from exercising such proxy rights.

(m) Each person who is a member of the Board of Directors and any alternate designated by such member shall vacate Board membership immediately upon ceasing to hold the public office or position that originally entitled such person to become a member of the Board of Directors. The successor of such member shall be designated in the same manner as the vacating member was selected.

(n) The Board of Directors is authorized to take appropriate measures to ensure attendance and a quorum, including limitations on speaking or similar rights of non-attending members, but no such measure shall operate to diminish the vote of any member government or collection of communities.

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**Section 4.3 Officers; Election; Qualification; Term of Office; Resignation.**

(a) At its first meeting in January each year the Board of Directors shall elect a President, First Vice President, Secretary and Treasurer. The Board of Directors may also elect additional Vice Presidents, one or more Assistant Secretaries and one or more Assistant Treasurers. Each officer shall hold office until the next annual meeting of the Board of Directors, until such officer's successor is elected and qualified or until such officer's resignation, removal or death. Upon approval by the Board one person may serve both as Secretary and Treasurer. Alternates may not serve as officers of the Board of Directors.

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(b) Any officer may resign at any time upon written notice to the Secretary of the Board of Directors.

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(c) The Board of Directors may remove any officer for cause at any time but such removal shall be without prejudice to the representation rights of the Agency member represented by such officer.

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(d) Any vacancy occurring in any office which is caused by death, resignation, removal or otherwise shall be filled for the unexpired portion of the term by appointment by the President (except that the First Vice President shall succeed the President as set forth below) with approval of the Board of Directors within 30 days of that vacancy.

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(e) No member organization shall have more than one Board member serving concurrently as an officer. This limitation does not apply in the case of officers serving as First or Second Vice President, Assistant Secretary or Assistant Treasurer.

(f) President. The President of the Board of Directors shall be the chief policy officer of the Agency and shall exercise all powers and duties in leadership of the Agency as are generally associated with such office including, but not limited to, the power to execute such documents and instruments authorized by resolutions adopted by the Board of Directors. The President shall represent the Agency before bodies of the state and federal government and shall be an ex officio voting member of all Standing Committees. The President shall also be responsible for execution of all directives and resolutions adopted by the Board of Directors.

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(g) First Vice President. The First Vice President, in the absence or disability of the President, shall perform duties and exercise powers of the President. In addition, the First Vice President shall perform such other duties prescribed by the Board of Directors or President.

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(h) Secretary. The Secretary shall give or cause to be given notice of all meetings of the Board of Directors and shall perform such other duties prescribed by the Board of Directors or President, under whose supervision the Secretary acts. The Secretary shall keep or cause to be kept the corporate seal of the Agency, if any, and when authorized by the Board of Directors, affix it to an instrument which shall be attested to either by the signature of the Secretary, Treasurer or Assistant Secretary. In the absence of the Secretary, the President or designee shall appoint a member to perform the duties of the Secretary.

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(i) Treasurer. The Treasurer or designee (or Secretary in the absence or disability of the Treasurer) shall have responsibility for the custody of Agency funds and securities and shall keep or cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the Agency, and shall deposit or cause to be deposited all funds and securities of the Agency in depositories designated by the Board of Directors. The Treasurer shall oversee the disbursement of funds as directed by the Board of Directors, taking proper vouchers for such disbursements, and shall give or cause to be given to the President and other members of the Board of Directors a periodic accounting of all transactions and the financial condition of the Agency. The Treasurer shall perform such other duties prescribed by the Board of Directors or President.

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(j) Vice Presidents, Assistant Secretaries and Assistant Treasurers. In the absence or disability of the First Vice President, Secretary or Treasurer, the Second Vice President, Assistant Secretaries or Assistant Treasurers in the order designated by the Board of Directors, shall perform the duties of the First Vice President, Secretary or Treasurer, respectively, and shall have full powers of the office.

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**Section 4.4 Vacancies.** A vacancy in the Board of Directors, however occurring, shall be filled by a public official designated in the same manner as the vacating member was selected, to hold office for the whole or balance of the term to which such member was elected or until such member's successor is elected and qualified or until earlier resignation, removal from office or death.

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**Section 4.5 Removal.** The Board of Directors may at any time remove for cause any member, except for individuals who are members of the Board solely because of their position as an elected official of a member agency, or any alternate. Removal must occur at a special meeting duly called for this purpose or at a regular meeting of the Board of Directors where notice of this purpose has been established at the immediately preceding Board meeting and the affirmative vote of two-thirds of the Board members in attendance at such meeting is required for any such removal. Removal shall be without prejudice to the representation rights of the Agency member represented by such Board member or alternate. Removal of a member of the Board will not affect the appointment of any alternate to such member. The successor to such member or alternate shall be designated in the same manner as the removed member was selected.

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**Section 4.6 Compensation of Board Members.** A member of the Board of Directors shall not receive compensation for services other than ordinary and incidental expenses, except that a member may be reimbursed for other reasonable expenses approved by a majority of the Board of Directors. The Agency considers attendance at meetings of the Board of Directors and its committees to be public employment on the same basis that any Board member or alternate is considered in public employment for the public position that determined qualification for membership on the Board of Directors.

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**Section 4.7 Applicability of Ohio Ethics Law.** The provisions of Ohio Revised Code Chapter 102, and the related provisions contained in Ohio Revised Code Sections 2921.42 and 2921.43 are applicable to all members of the Board of Directors of the Agency and to all alternates. However, members or alternates who are not otherwise required to file the financial disclosure statement mandated by Ohio Revised Code Sections 102.02, 102.021 and 102.022 shall not be required to file such statement solely as a result of his or her appointment to the Board of the Agency as a member or alternate. Appoint as a member of the Board of the Agency or as an alternate does not constitute the holding of a public office or employment within the meaning of Ohio Revised Code Chapter 102 or Chapter 2921.

## ARTICLE V

### ORGANIZATION OF THE BOARD OF DIRECTORS

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**Section 5.1 Regular Meetings.** Regular meetings of the Board of Directors shall be determined and published annually at the principal offices of the Agency or such other location and time as the Board designates.

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**Section 5.2 Special Meetings.** Special meetings of the Board of Directors may be called at any time by the President or by a majority of members upon written notice delivered to the President

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or Secretary of the Board of Directors. Such request shall state the purposes of the proposed meeting.

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**Section 5.3 Notice of Meetings.** Except as otherwise provided in these Regulations or by law, written notice stating the time, place and purpose in case of a special meeting, shall be delivered to each Board member at least seven days before a regular meeting and four days prior to any special meeting, either personally, by regular mail, email, fax, telephone, or any other means permitted by law.

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**Section 5.4 Presiding Officer.** Meetings of the Board of Directors shall be presided over by the President or, in the President's absence, by the First Vice President or next succeeding officer. The Secretary shall act as secretary at all meetings and in the Secretary's absence the President may appoint any person to act as secretary of such meeting.

**Section 5.5 Ratification.** The Board of Directors, acting at a meeting at which a quorum is present, may ratify any action taken by or on behalf of the Agency.

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**Section 5.6 Quorum.** A majority of Board members shall constitute a quorum to transact business. Once established for any meeting of the Board, a quorum shall presume to continue unless otherwise noted on the record that a quorum is absent. The act of a majority of Board members present at a meeting at which a quorum is present shall be the act of the Board of Directors. Any member of the Board of Directors who has a personal or financial interest in a contract or transaction which is before the Board of Directors, or who is an owner or principal of a private and nonpublic entity with an interest in a matter before the Board of Directors, may be counted for the purpose of determining the presence of a quorum at a meeting of the Board.

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¶ **Section 5.7 Public Meetings.** All meetings of the Governing Board

**Section 5.7 Public Meetings.** All meetings of the Board of Directors, its Standing Committees, subcommittees, advisory councils or task forces shall be open to the public pursuant to the Ohio Sunshine Law, Revised Code Section 121.22, *et seq.* Executive sessions and other closed meetings shall be held only as permitted by law.

**Section 5.8 Procedure.** All meetings of the Board of Directors shall be conducted according to Robert's Rules of Order.

## ARTICLE VI

### COMMITTEES, SUBCOMMITTEES, ADVISORY COUNCILS and TASK FORCES

**Section 6.1 Establishment of Committees, Subcommittees, Advisory Councils and Task Forces.** The President of the Board of Directors with its approval shall establish various Standing Committees, Subcommittees, Advisory Councils and Task Forces deemed necessary or appropriate to provide advice and policy recommendations to the Board of Directors relating to specific issues or technical areas of transportation or environmental matters. Unless the Board of Directors otherwise provides, each Standing Committee, Subcommittee, Advisory Council or Task Force may make, alter and repeal rules to conduct its business. In the absence of such rules, each Standing Committee, Subcommittee, Advisory Council or Task Force shall conduct business in the

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same manner as the Board of Directors conducts business. Appendix I contains the table defining the purpose, membership, duration, creation, appointment and reporting responsibilities of Standing Committees, Subcommittees, Advisory Councils and Task Forces. This table shall be used to establish these bodies unless otherwise stated in the Code.

**Section 6.2 Standing Committees.**

(a) Purpose. The Standing Committees of the Agency shall be the Executive Committee, the Planning and Programming Committee, the Policy Committee, the Finance and Audit Committee, the Governance Committee, and the External Affairs Committee. Each Standing Committee shall provide advice and policy recommendations to the Board of Directors in specific functional areas and provide a forum for in-depth discussion and analysis of relevant issues or agenda items prior to consideration by the Board of Directors. Each Standing Committee shall keep regular minutes of its proceedings and report to the Board of Directors.

(b) Membership. Unless otherwise specifically set forth, Standing Committee members shall be appointed by the President of the Board of Directors with approval of a majority of Board members present and voting. Each member of the Board of Directors shall serve on at least one Standing Committee or subcommittee. Membership of each Standing Committee shall be comprised of members of the Board of Directors or their alternates. Vacancies on a Standing Committee shall be filled in the same manner as the vacating member was selected. Any Standing Committee may propose to expand its membership beyond the minimum by nominating additional members to the Board of Directors; additional positions shall be filled by appointment of the President with approval of a majority of Board members present and voting. The Executive Director of the Agency, or designee, shall serve as an ex officio member (without vote in that capacity) of all Standing Committees and subcommittees.

(c) Organization of the Standing Committees.

(1) Meetings. Each Standing Committee shall hold regular meetings as necessary at a time and place to be determined and shall publish a calendar of its meetings. Special meetings and the initial meeting of each year may be called by the Committee Chair, Committee Vice-Chair or the Executive Director of the Agency, on at least four days notice (oral or written).

(2) Officers. The President of the Board of Directors shall appoint a member of the Board of Directors as Chair of each Standing Committee with approval of a majority of the Board members. A Vice-Chair and such other officers as the Standing Committee members deem necessary may be elected by a majority of the Committee membership. The term of office for each Standing Committee officer shall be one year or until such member's successor is selected and qualified or until earlier resignation, removal from office or death.

(3) Attendance. The President of the Board of Directors may remove and appoint a replacement for any Standing Committee member if the Standing Committee member has been absent from three consecutive Standing Committee meetings. The member appointed must receive approval of a majority of Board members present and voting.

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Deleted: of its meetings. The Executive Committee shall consist of the President, First Vice President, Second Vice President (if any), Secretary, Treasurer, immediate past President of the Governing Board and mayor or Chief of Government Affairs of the largest city in the five-county region. Executive Committee membership shall also include at least one member of the governing officers of each county. The mayor or Chief of Government Affairs of the largest city in the five-county region shall not be considered a county representative for this purpose. Vacancies in membership

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¶  
Section 6.3 Nominating Committee. By November 15 of each year with approval of the Governing

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(4) Procedure. Meetings of any Standing Committee or subcommittee shall be conducted according to *Robert's Rules of Order*.

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(5) Member Representatives. Members of a subcommittee may appoint a representative to attend meetings in their absence by submitting the name of the person in writing to the chairperson of the subcommittee. The representative of a member shall be entitled to vote at any subcommittee meeting in the absence of the member, but shall have no other rights as a Board member or alternate.

Deleted: Subcommittees. The Chair of a Standing Committee and President of the Governing Board may jointly establish special subcommittees of

Deleted: Standing Committee to explore problems requiring specific technical skills. The Executive Director or designee shall serve as an ex officio member of all subcommittees

(6) Staff Assistance. Agency staff shall provide Standing Committees with any technical assistance required to organize meetings of the Standing Committees. Such assistance will be provided at request of the Chair of a Standing Committee.

(7) Removal. The Board of Directors, upon recommendation of the Governance Committee, may remove any Standing Committee member for cause at any time but such removal shall be without prejudice to the representation rights of the Agency member represented by such Standing Committee member.

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<#>Water Quality Advisory Committee (WOAC). The Water Quality Advisory Committee shall provide advice and policy recommendations to the Governing Board with regard to water quality environmental planning powers of the Agency.

<#>Membership. The Water Quality Advisory Committee shall consist of the following 11 voting members:

<#> Five members of the Governing Board with at least one Board member from jurisdictions within each member county [5];

<#> one representative of the Environmental Health Directors of the County Health Agencies [1];

<#> one of the Sanitary Engineers, or substantial equivalent, of the five counties [1];

<#> one local soil and water conservation district representative within the NOACA area [1];

<#> a representative of the Northeast Ohio Regional Sewer District [1];

<#> City of Cleveland Health Director or Environmental Health Commissioner [1];

<#> ; one member of a local watershed group [1]; and the Ohio EPA Northeast District Office chief, who shall be a non-voting member.

<#>Functions. Functions of the Water Quality Advisory Committee shall include the following:

Section 6.3 Executive Committee. The Executive Committee shall review Agency policy documents, including the Agency's budget and Overall Work Program (OWP) as prepared by the Executive Director, and make recommendations to the Board of Directors regarding approval. The Executive committee shall also provide advice to the Executive Director and shall carry out other responsibilities delegated to it by the Board of Directors. All Standing Committees shall present any recommendations intended for discussion or approval by the Board of Directors first to the Executive Committee for placement on the agenda of the appropriate meeting of the Board. The Board of Directors may delegate authority to the Executive Committee to act as the Board of Directors on individual issues. The Executive Committee shall keep regular minutes of its proceedings and report to the Board of Directors prior to each of its meetings. The Executive Committee shall consist of the President, First Vice President, Second Vice President (if any), Secretary, Treasurer, immediate past President of the Board of Directors and Mayor/Chief of Government and International Affairs of the largest city in the five-county region. Executive Committee membership shall also include at least one member of the governing officers of each county. The Mayor/Chief of Government and International Affairs of the largest city in the five-county region shall not be considered a county representative for this purpose. Vacancies in membership of the Executive Committee shall be filled in the same manner as the vacating member was selected.

#### Section 6.4 Planning and Programming Committee.

(a) The Planning and Programming Committee shall provide policy recommendations with regard to transportation, water quality and air quality powers of the Agency and shall evaluate recommendations from its subcommittees and bring such recommendations, as it deems appropriate, to the Board of Directors for discussion and approval. Subcommittees of the Planning and Programming Committee shall consist of the Water Quality Subcommittee, the Air Quality Subcommittee and the Transportation Subcommittee. Membership of the Planning and Programming Committee should reflect the diversity of Board membership in each of the five counties and the City of Cleveland and take into account the important role of the various agencies represented on the

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NOACA Board. The chairperson and members of the Planning and Programming Committee shall be appointed by the President with the approval of the Board and shall consist of at least twenty-two members, comprised of the following:

- (1) Nine members of the Board of Directors from jurisdictions within Cuyahoga County;
- (2) Four members of the Board of Directors from jurisdictions within the City of Cleveland;
- (3) One members of the Board of Directors from a jurisdiction within Geauga County;
- (4) Two members of the Board of Directors from jurisdictions within Lake County;
- (5) Three members of the Board of Directors from jurisdictions within Lorain County;
- (6) Two members of the Board of Directors from jurisdictions within Medina County;
- and
- (7) One member from the Ohio Department of Transportation.

(b) Water Quality Subcommittee. The Water Quality Subcommittee shall provide advice and policy recommendations to the Planning and Programming Committee with regard to water quality environmental planning powers of the Agency.

(1) Membership. The Water Quality Subcommittee shall consist of the following 11 voting members:

- A. Five members of the Board of Directors with at least one Board member from jurisdictions within each member county [5];
- B. one representative of the Environmental Health Directors of the County Health Agencies [1];
- C. one of the Sanitary Engineers, or substantial equivalent, of the five counties [1];
- D. one local soil and water conservation district representative within the NOACA area [1];
- E. a representative of the Northeast Ohio Regional Sewer District [1];
- F. City of Cleveland Health Director or Environmental Health Commissioner [1];
- G. one member of a local watershed group [1]; and
- H. the Ohio EPA Northeast District Office chief, who shall be a non-voting member.

(2) Functions. Functions of the Water Quality Subcommittee shall include the following:

- A. Providing advice and policy recommendations on water quality environmental issues or projects and transportation projects with related water quality issues;
- B. Assisting the Planning and Programming Committee and Agency staff in identifying significant environmental problems, priorities and concerns with development of a comprehensive regional approach to environmental concerns;
- C. Assisting the Planning and Programming Committee and Agency staff in environmental work program development; and
- D. Serving in such other capacities as the Planning and Programming Committee and the Board of Directors may determine.

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~~(c) **Air Quality Subcommittee.** The Air Quality **Subcommittee** shall provide advice and policy recommendations to the **Planning and Programming Committee** with regard to air quality environmental planning powers of the Agency.~~

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~~(1) **Membership.** The Air Quality **Subcommittee** shall consist of the following 11 voting members:~~

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- A. Five members of the **Board of Directors** with at least one Board member from jurisdictions within each member county [5];
- B. One representative of the City of Cleveland [1];
- C. One member from each of the local air agencies (Cleveland Division of Air Quality, Lake County General Health District, and the Akron Regional Air Quality Management District) [3];
- D. The Ohio Department of Transportation, District 12 [1];
- E. The Greater Cleveland Regional Transit Authority [1];
- F. The Ohio EPA Northeast District Office chief, who shall be a non-voting member.

~~(2) **Functions.** Functions of the Air Quality **Subcommittee** shall include the following:~~

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- A. ~~Providing advice and policy recommendations on air quality environmental issues or projects and transportation projects with related air quality issues;~~
- B. ~~Assisting the **Planning and Programming Committee** and Agency staff in identifying significant environmental problems, priorities and concerns with development of a comprehensive regional approach to environmental concerns;~~
- C. ~~Assisting the **Planning and Programming Committee** and Agency staff in environmental work program development; and~~
- D. ~~Serving in such other capacities as the **Planning and Programming Committee and the Board of Directors** may determine.~~

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~~(b) **Transportation Subcommittee.** The **Transportation Subcommittee** shall provide advice and policy recommendations to the **Planning and Programming Committee** with regard to transportation matters affecting the Planning Area.~~

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Deleted: **Advisory Committee (TAC)**

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~~(1) **Membership.** The **Transportation Subcommittee** shall consist of the following 34 members:~~

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- A. ~~The County Engineer or Director of Public Works and Planning Director of each member county [10].~~
- B. ~~From the City of Cleveland: Commissioner of Traffic Engineering, Commissioner of Engineering and Construction, a member of Cleveland City Council (selected by the Council) and the City Planning Director [4].~~
- C. ~~The General Manager of the largest transit authority or agency in each member county [5].~~
- D. ~~The Deputy Directors of the Ohio Department Transportation, Districts 3 and 12 [2].~~
- E. ~~The Ohio Environmental Protection Agency, Regional Office [1].~~

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- F. One member representing the Chamber of Commerce (or equivalent organization) of each member county, appointed by the President of the Board of Directors upon consultation with each county[5].
- G. Six members of the Board of Directors with at least one from each member county and one representative of the Cleveland-Cuyahoga Port Authority, [ 7].
- H. Additional non-voting members may be appointed by the President of the Board of Directors to insure inclusion of elected officials, public administrators, funding agencies and private sector organizations concerned with transportation planning and implementation in the Planning Area.

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 <#>One member representing the Chamber of Commerce (or equivalent organization) of each member county, appointed by the President of the Governing Board upon consultation with each county[5].¶  
 ¶  
 <#>Six members of the Governing Board with at least one from each member county and one representative of the Cleveland-Cuyahoga Port Authority, [ 7].¶  
 ¶  
 <#>Additional non-voting members may be appointed by the President of the Governing Board to insure inclusion of elected officials, public administrators, funding agencies and private sector organizations concerned with transportation planning and implementation in the Planning Area.¶  
 ¶  
 <#>Functions. The functions of the Transportation Advisory Committee shall include the following:¶  
 ¶  
 <#>Assisting the Governing Board and Agency staff in developing short and long-range plans and programs for the Planning Area, in accordance with NOACA's role and responsibilities as an MPO as required by federal law;¶  
 ¶  
 <#>Assisting the Governing Board and Agency staff in identifying significant transportation issues, using a regional approach to address these issues, within the framework of the authority granted to the Agency in federal and state law and regulation;¶  
 ¶  
 <#>Assisting the Governing Board and Agency staff in development of the transportation elements of the annual overall work program; and¶  
 ¶  
 <#>Serving in such other capacities as the Governing Board may determine.¶  
 ¶  
 <#>Subcommittees. Subcommittees of the Transportation Advisory Committee shall consist of a minimum of six members of the TAC, one from each member county and the City of Cleveland. Membership on TAC subcommittees is limited to current TAC members or their alternates. The purpose of such subcommittees is to provide planning, programming or technical advice and recommendations to the TAC and staff on an ongoing basis. One such subcommittee is the Regional Transportation Investment Subcommittee (RTIS), which assists the TAC in management of the Transportation Improvement Program and Transportation Plan, in accordance with Governing Board policies. The RTIS shall consist of:¶  
 ¶  
 <#>Current TAC Chair, or designee. [1]¶  
 <#>County Engineer or Director of Public Works of each member county. [5]¶  
 <#>Three Cuyahoga County TAC members, selected by Cuyahoga County. [3]¶  
 <#>Two City of Cleveland TAC members, selected by the City of Cleveland. [2]¶  
 <#>The Greater Cleveland Regional Transit Authority. [1]¶  
 <#>LAKETRAN. [1]¶  
 <#>Lorain County Transit. [1]¶

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(2) Functions. The functions of the Transportation Subcommittee shall include the following:

- A. Assisting the Planning and Programming Committee and Agency staff in developing short and long-range plans and programs for the Planning Area, in accordance with NOACA's role and responsibilities as an MPO as required by federal law;
- B. Assisting the Planning and Programming Committee and Agency staff in identifying significant transportation issues, using a regional approach to address these issues, within the framework of the authority granted to the Agency in federal and state law and regulation;
- C. Assisting the Planning and Programming Committee and Agency staff in development of the transportation elements of the annual overall work program; and
- D. Serving in such other capacities as the Planning and Programming Committee and the Board of Directors may determine.

**Section 6.5 Policy Committee.**

(a) The Policy Committee shall provide technical advice and recommendations in the area of comprehensive policy and long-range planning matters to the Board of Directors. Membership of the Policy Committee should reflect the diversity of Board membership in each of the five counties and the City of Cleveland and take into account the important role of the various agencies represented on the NOACA Board. The chairperson and members of the Policy Committee shall be appointed by the President with the approval of the Board and shall consist of at least twenty-two members, comprised of the following:

- (1) Nine members of the Board of Directors from jurisdictions within Cuyahoga County;
- (2) Four members of the Board of Directors from jurisdictions within the City of Cleveland;
- (3) One members of the Board of Directors from a jurisdiction within Geauga County;
- (4) Two members of the Board of Directors from jurisdictions within Lake County;
- (5) Three members of the Board of Directors from jurisdictions within Lorain County;

(6) Two members of the Board of Directors from jurisdictions within Medina County; and

(7) One member from the Ohio Department of Transportation.

(b) Functions. The functions of the Policy Committee shall include the following:

(1) As its principal function assist the Agency and its members in development of comprehensive, long-range policies in the areas of transportation asset management, and transportation investment and strategy, including regional strategic planning, by providing review and comment at appropriate stages of the planning process and providing technical advice and recommendations on comprehensive planning issues or projects as appropriate;

(2) Serve as a forum for exchange of information regarding comprehensive planning, land use development and redevelopment, land use regulation and data and other planning issues in the members' jurisdictions;

(3) Assist the Agency in development of annual Overall Work Programs by providing advice, review and comment at appropriate stages of the development process regarding land use planning-related components and land use impacts of Agency activities.

**Section 6.6 Governance Committee.** The chairperson and members of the Governance Committee shall be appointed by the President with the approval of the Board and shall consist of at least seven members, including one representative of each of the five counties and a representative of the largest city in the five-county region, with additional members appointed based on the expertise necessary to accomplish the committee's purpose. The Governance Committee shall have power to nominate the officers of the Board of Directors for the next year and conduct the election provided for in Section 4.3(a). The Governance Committee shall also (a) create and implement an orientation program for new Directors; (b) monitor the procedure by which Directors annually identify and report known and potential conflicts of interest; and (c) review and recommend to the Board for approval proposed revisions this Code of Regulations as necessary.

**Section 6.7 Finance and Audit Committee.** The Chairperson and members of the Finance and Audit Committee shall be appointed by the President with the approval of the Board and shall consist of at least three members possessing the expertise necessary to accomplish the committee's purpose. The Finance and Audit Committee shall: be responsible for the selection of outside auditors; review and evaluate the Agency's accounting and financial controls with the President and the Executive Director; provide general financial oversight for the Agency; and report annually to the Board of Directors on the results of the audit.

**Section 6.8 External Affairs Committee.** The Chairperson and members of the External Affairs Committee shall be appointed by the President with the approval of the Board and shall consist of at least three members with additional members appointed based on the expertise necessary to accomplish the committee's purpose. The External Affairs Committee shall assist the Agency with its relationships with various government agencies and subdivisions, the media and the general public.

**Section 6.9 Other Committees, Subcommittees and Task Forces.**

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(a) The Board of Directors may create, by resolution adopted by a majority of the Board present and voting, other Standing Committees, which shall exercise authority granted to such Standing Committee by the Board of Directors, but the work of any such Standing Committee shall not be effective until approved by the Board.

(b) The Board of Directors or the Chair of a Standing Committee and President of the Board of Directors may jointly establish special subcommittees of a Standing Committee in addition to those set forth in this Code of Regulations to explore problems requiring specific technical skills.

(c) The Board of Directors or the Chair of any subcommittee with the approval of the President of the Board may establish additional Advisory Councils or Task Forces deemed necessary. The purpose of such Advisory Councils and Task Forces shall be to provide advice and recommendations to the Standing Committees and their subcommittees relating to specific issues or technical areas. Task Forces shall be formed for specific projects to be completed within a designated time. Advisory Councils may be formed to provide ongoing advice and recommendations. Advisory Council and Task Force members shall consist of individuals with sufficient expertise in order to contribute to the mission and functional activities of the Advisory Council or Task Force and need not be members of the Board of Directors. At the time of its formation, each Advisory Council or Task Force shall create a written statement of purpose to be distributed to the Standing Committee or subcommittee for review and comment.

**Section 6.10 Citizen and Business Participation.** The Board of Directors shall maintain an ongoing citizen participation program in accordance with all federal, state and Board directives to encourage citizen participation in the work and planning of the Agency. The Board of Directors may establish, by resolution adopted by a majority of the Board present and voting, a Citizen Advisory Council and a Business Advisory Council, with membership and purpose determined by such resolution.

## ARTICLE VII

### AGENCY STAFF

**Section 7.1 Executive Director.** The Agency shall employ a full-time Executive Director pursuant to a written contract, which shall be negotiated by the Executive Committee. Terms and conditions of the contract shall be subject to approval by a majority of the Board of Directors.

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**Section 7.2 Powers and Duties of Executive Director.** The Executive Director, or designee, shall be responsible for managing day-to-day activities of the Agency. The Executive Director shall have authority and responsibility to hire, fire, supervise and direct Agency staff, as contained in the annually approved OWP. At the time of OWP review and approval, the Executive Director will provide the Executive Committee with information on the positions needed to complete the work contained in the OWP. The Executive Director has the authority to fill vacancies of approved positions, but will notify the Executive Committee of plans to fill a vacancy. For all new or additional positions not included in the annually approved OWP, the Executive Director shall notify the Executive Committee, which must approve the new or additional position prior to

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initiating the hiring process if such new or additional position has an effect on the annual budget. The Executive Director shall have the authority and responsibility to administer the Agency in accordance with the Code of Regulations of the Agency and Administrative Policies and Procedures adopted by the Board and to carry out duties and functions delegated by the Board of Directors or any officer.

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**Section 7.3 Staff.** Agency staff shall report to the Executive Director. Principal functions of Agency staff shall be to:

(a) Implement all directives of the Board of Directors and Executive Committee to fulfill responsibilities of the Agency;

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(b) Keep the Executive Director well informed of activities, projects, programs and studies being conducted by the Agency;

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(c) Provide assistance necessary to organize meetings of the Board of Directors, Executive Committee, Standing Committees, Subcommittees, Advisory Councils and Task Forces which may include preparation of meeting agendas, minutes and accompanying materials;

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(d) Prepare research reports and policy papers for the Board of Directors on issues of significance to the NOACA Area;

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(e) Administer Intergovernmental Review (IGR) in accordance with Board policy.

(f) Complete work programs and projects approved by the Board of Directors in a timely and professional manner.

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## ARTICLE VIII

### INDEMNITY

**Section 8.1 In General.** Any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, suit or proceeding, whether civil, criminal, administrative or investigative, other than a suit by or in the right of the Agency, by reason of the fact that the person is or was a Board member, officer, employee or agent of the Agency, or is or was serving at the request of the Agency as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, shall be indemnified by the Agency for expenses, including reasonable attorney fees, judgments, fines and amounts paid in settlement actually and reasonably incurred in connection with such action, suit or proceeding if done in good faith and in a manner reasonably believed to be in the best interests of the Agency and, with respect to any criminal action or proceeding, had no reasonable cause to believe conduct was unlawful. Termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of *nolo contendere* or its equivalent, shall not create a presumption that the person did not act in good faith and in a manner which was reasonably believed to be in the best interests of the Agency and, with respect to any criminal action or proceeding, had reasonable cause to believe that the conduct was unlawful.

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**Section 8.2 Indemnification Against Expenses.** Any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, suit or proceeding by or in the right of the Agency to procure a judgment in its favor by reason of the fact that the person is or was a Board member, officer, employee or agent of the Agency, or is or was serving at the request of the Agency as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, shall be indemnified by the Agency against expenses, including reasonable attorney fees, actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if done in good faith and in a manner reasonably believed to be in the best interests of the Agency. However, no indemnification shall be made in respect of any claim, issue or manner as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of duty to the Agency unless, and only to the extent that, the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses as such court shall deem proper.

**Section 8.3 Process.** Any indemnification under Section 8.1 and 8.2 (unless otherwise ordered by a court of competent jurisdiction) shall be made by the Agency only as authorized in the specific case upon a determination that indemnification of the officer, employee or agent is proper in the circumstances because the applicable standard of conduct set forth in Sections 8.1 and 8.2 has been met. Such determination shall be made (a) by the Board of Directors by a majority vote of a quorum consisting of members who were not parties to or threatened with such action, suit or proceeding; or (b) if such a quorum is not obtainable or even if obtainable, a quorum of disinterested members so directs, by independent legal counsel in a written opinion. Notwithstanding the provisions of Sections 8.1 and 8.2 of this Article VIII, to the extent that a Board member, officer, employee or agent of the Agency has been successful on the merits or otherwise, in defense of any action, suit or proceeding referred to in such sections, or in defense of any claim, issue or matter, in any event the person shall be indemnified against expenses (including reasonable attorney fees) actually and reasonably incurred in that connection. Reasonable attorney fees shall not be paid by NOACA if the person has obtained counsel apart from counsel designated by the Board.

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**Section 8.4 Prior Payment.** Expenses incurred in defending a civil or criminal action may be paid by the Agency before final disposition of such action. Such expenses may be authorized by the Board of Directors in a specific case only upon receipt by the Agency of a request on behalf of the Board member, officer, employee or agent to repay such amount unless it shall finally be determined that the person is entitled to be indemnified in such amount by the Agency.

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**Section 8.5 Non-Exclusive.** The indemnification provided by this Article VIII shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled by any law of the State of Ohio, agreement or other means, both as to action taken in an official capacity and as to action in another capacity while holding such office and shall continue as to a person who has ceased to be a Board member, officer, employee or agent and such rights shall inure to the benefit of such person's heirs, executors and administrators.

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**ARTICLE IX**

**AMENDMENTS**

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This Code of Regulations may be altered, amended or repealed only by a majority vote of the Board of Directors at a meeting called for that purpose, except that any matters relating to Sections 4.2(a) through 4.2(f) of this Code of Regulations shall be altered, amended or repealed only upon written acceptance of each County of the NOACA area and the City of Cleveland.

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**ARTICLE X**

**MISCELLANEOUS**

**Section 10.1 Checks and Notes.** Certain checks or demand for money and notes of the Agency shall be signed by the officer authorized by these Regulations. The signature may be a facsimile when authorized by the Board of Directors.

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**Section 10.2 Seal.** The Board of Directors may provide a seal containing the name of the Agency and it is kept by the Secretary. Duplicate seals may be kept and used by other officers of the Agency.

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**Section 10.3 Notice.** Whenever notice is required to be given to any person it may be given to such person either personally, by mail, or by any method permitted by law, to the address or location appearing on the books of the Agency. If notice is sent by mail it shall be deemed to have been delivered to the addressee when deposited in the United States mail for transmission to such person.

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**Section 10.4 Waiver of Notice.** Any notice required to be given to any person may be waived in writing by the person entitled to such notice before the meeting. Attendance at any meeting by any person entitled to notice, either in person or by a duly designated alternate, shall constitute a waiver of notice of such meeting by such person except where such person attends a meeting for the express purpose of objecting to the transaction of any business because the meeting was not lawfully convened.

**Section 10.5 Captions.** Captions and headings in the Code of Regulations are for convenience only and in no way define or limit the scope or intent of any provision or section.

**APPENDIX I**

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**COMMITTEES, SUBCOMMITTEES, ADVISORY COUNCILS AND TASK FORCES**

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TYPE	PURPOSE	MEMBERSHIP	DURATION	WHO APPOINTS MEMBERS	REPORTING RESPONSIBILITIES	CREATED BY
Standing Committee	Advise & Recommend Tech/Function Issues to Board	Annual Each County & Cleveland Board Members	Permanent	President with Board Consent	Recommend to Board	Code or Board
Subcommittee	Tech ongoing advice to Standing Committee	Standing Committee members or per Code <del>Stakeholders</del> <del>Tech Experts</del>	Permanent	Pres/Standing Committee Chair or Code	Recommend to Standing Committee	Chair Standing Committee & President jointly or Code
Advisory Council*	Advice to Board or Standing Committee or Subcommittee	Board members Standing Committee or individuals not with agency with special expertise	Permanent or Temporary	Pres or Chair of <del>Subcommittee</del> with President, unless otherwise stated in Code	Recommend to <del>Subcommittee</del>	Chair <del>Subcommittee</del> & President jointly or Code
Task Force*	Oversees special study or report	Board Members Standing Committee Subcommittee or individuals with special expertise	Temporary	Pres/Chair <del>Subcommittee</del> jointly or Code	Recommend to <del>Subcommittee</del>	Chair <del>Subcommittee</del> & President jointly or Code

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\*Written statement of purpose needed.

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0048

Sponsored by: <b>Councilmembers Jones, Connally, Brady, Conwell, Rogers and Miller and County Executive FitzGerald</b>	<b>An Ordinance</b> enacting Chapter 509 of the Cuyahoga County Code directing the County Executive to conduct a Disparity Study and, if required by law, validate the Disparity Study every five years thereafter; requiring annual updates of said Study; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Cuyahoga County desires to affirm its commitment to economic inclusion and wishes to ensure that its business practices allow equal opportunities to compete for all willing and able businesses eligible to contract and to subcontract with the County for construction, architecture and engineering, and other professional services, and for the procurement of other goods and services; and

WHEREAS, the County conducted a Disparity Study in 2002 that resulted in the County adopting a Small Business Enterprise Policy; and

WHEREAS, the County desires to evaluate whether its business practices are encouraging all willing and able businesses designated as Minority Business Enterprises (MBEs) and/or Female Business Enterprises (FBEs) to contract and subcontract with the County; and

WHEREAS, the County further desires to assess the level of participation in County contracts and subcontracts of those businesses designated as MBEs and/or FBEs in order to determine whether there is a disparity or underutilization in the award of any such contracts to such businesses; and

WHEREAS, the United States Supreme Court established in *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989) that the appropriate manner of determining disparity and recommending corrective action is to conduct a Disparity Study, which includes a comprehensive analysis of County contracting data to determine statistically significant disparities or underutilization in the award of contracts to MBEs and/or FBEs, a regression analysis, legal analysis, and collection of anecdotal evidence; and

WHEREAS, the County, in order to monitor the effectiveness of any corrective action recommended by the Disparity Study, desires to update the Disparity Study on an annual basis.

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 efficient and effective operation of the County.

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

**SECTION 1.** Chapter 509 of the Cuyahoga County Code is hereby enacted as follows:

**Chapter 509: Disparity and Economic Inclusion**

**Section 509.01 Disparity Study**

The County shall conduct a Disparity Study and, if required by law, shall validate the Disparity Study every five (5) years thereafter. All such studies shall be designed to meet the legal standards established by court rulings with respect to the constitutionality of programs designed to encourage greater participation of women and minorities in our economy.

**Section 509.02 Monitoring Corrective Action**

The County Executive shall monitor the effectiveness of any corrective action implemented as a result of the Disparity Study and shall annually update the Disparity Study.

**Section 509.03 Approval of Contracts and Agreements**

All contracts and agreements performed in furtherance of the Disparity Study shall be reviewed and approved by the appropriate approval authority depending on the monetary threshold of each contract or agreement in accordance with Chapter 501 of the County Code.

**SECTION 2.** It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County

Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

Nays:

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

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

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

First Reading/Referred to Committee: October 11, 2011  
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: October 11, 2011

Committee Report/Second Reading: September 24, 2013

Legislation Substituted on the Floor: September 24, 2013

Journal CC012  
October 8, 2013

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2013-0019

Sponsored by: <b>Councilmembers Jones and Miller</b>	An Ordinance amending Sections 704.01 to 704.03 of the Cuyahoga County Code to designate that the Additional DTAC Fee commence on 1/1/2014 and continue through 12/31/2018, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: <b>Councilmembers Brady, Simon and Conwell</b>	

WHEREAS, pursuant to division (B) of Section 321.261 of the Ohio Revised Code, this County Council may designate an additional five percent (5%) deduction from all collections of delinquent real property, personal property and manufactured and mobile home taxes and assessments (the "Additional DTAC Fee") to be deposited in the delinquent tax and assessment collection fund (the "DTAC Fund") and appropriated for the use of a county land reutilization corporation, including the Cuyahoga County Land Reutilization Corporation (the "Corporation"); and

WHEREAS, pursuant to subdivision (B) of Section 321.261 of the Ohio Revised Code, the Corporation has requested that this Council consider designating the Additional DTAC Fee, commencing January 1, 2014, and continuing through December 31, 2018, subject to the limitation provided for in Section 1 of this Ordinance; and

WHEREAS, this Council finds that designating the Additional DTAC Fee, subject to the limitation provided for in Section 1 of this Ordinance, to provide a portion of the Corporation's Annual Base Funding, is in the best interests of the County and is necessary for the Corporation to continue to achieve its mission and public purposes of, among others, alleviating the slum and blight of vacant, abandoned and foreclosed properties within the County and the negative consequences which certain national real estate practices and the prior recession have inflicted on the local real estate markets; 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 efficient and effective operation of the County and the Corporation.

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

**SECTION 1.** Sections 704.01 to 704.03 of the Cuyahoga County Code shall be amended and replaced to read as follows:

## **CHAPTER 704: Delinquent Tax Anticipation Notes (DTAN)/Delinquent Tax and Assessment Collection (DTAC)**

### **Section 704.01: Additional DTAC Fee**

Pursuant to and in accordance with Section 321.261(B) of the Ohio Revised Code and subject to the other provisions of this Chapter, this Council hereby designates the Additional DTAC Fee in the annual amount of five percent (5%) to be applied on all collections of delinquent real property, personal property and manufactured and mobile home taxes and assessments solely for the use of the Corporation as part of its annual base funding, commencing on January 1, 2014 and continuing through December 31, 2018.

### **Section 704.02: Maximum Base Funding**

Notwithstanding the provisions of Section 704.01 of the Cuyahoga County Code, the aggregate amount transferred to the Corporation from the DTAC Fund and the penalties and interest on current late and delinquent taxes and assessments deposited into the County Land Reutilization Fund in any single fiscal year of the Corporation shall not exceed \$7,000,000.00 (the "Maximum Annual Base Funding Amount").

### **Section 704.03: Deposit and Appropriation of Additional DTAC Fee**

All amounts constituting the Additional DTAC Fee shall be deposited in the DTAC Fund, and such amounts upon their deposit in such fund, subject to the provisions of Section 704.02 of the Cuyahoga County Code, are hereby appropriated for the sole use of the Corporation and shall be disbursed to the Corporation upon warrant of the Fiscal Officer of the County (the "Fiscal Officer").

**SECTION 2.** The Clerk of Council is hereby instructed to transmit a copy of this Ordinance upon its execution by the County Council President, the County Executive and the Clerk of Council to the Fiscal Officer and the County Treasurer.

**SECTION 3.** It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

Nays:

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

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

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

First Reading/Referred to Committee: August 13, 2013

Committee(s) Assigned: Finance & Budgeting

Additional Sponsorship Requested on the Floor: August 13, 2013

Additional Sponsorship Requested: September 23, 2013

Committee Report/Second Reading: September 24, 2013

Journal CC012  
October 8, 2013



# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0216

<b>Sponsored by: County Executive FitzGerald and Councilmembers Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon and Connally</b>	<b>A Resolution</b> proclaiming the month of October 2013 as Disability Employment Awareness Month in Cuyahoga County: “Because We Are Equal to the Task”, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the annual observance of National Disability Employment Awareness Month is designed to recognize the contributions of workers with disabilities. The effort to educate the American public about issues related to disability and employment actually began in 1945, when Congress enacted a law declaring the first week of October each year “National Employ the Physically Handicapped Week.

WHEREAS, in 1962, the word “physically” was removed to acknowledge the employment needs and contributions of individuals with all types of disabilities. In 1988, Congress expanded the week to a month and changed the name to “National Disability Employment Awareness Month”.

WHEREAS, this observance presents us with the opportunity to increase the public’s awareness of the contributions and skills of American workers with disabilities. Programs carried out during this month will also highlight the specific barriers that still need to be addressed and removed.

WHEREAS, the 2013 observance theme is "Because We Are Equal to the Task" and builds on the founding fathers’ philosophy that the new nation sees every human being having inherent worth bestowed upon them by the Creator, and that equality is a fundamental right.

WHEREAS, Americans with disabilities strengthen our country’s workforce. By enhancing the workplace environment for people with disabilities, employers can help provide access to jobs that allow these individuals to demonstrate their potential and realize their dreams.

WHEREAS, it is necessary that this Resolution become immediately effective in order to ensure timely recognition of this celebration, and to continue the usual and daily operation of the County.

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

**SECTION 1.** That the Cuyahoga County Executive and Cuyahoga County Council hereby proclaim October 2013 as Disability Employment Awareness Month in Cuyahoga County: "Because We Are Equal to the Task".

**SECTION 2.** That the Cuyahoga County Executive and Cuyahoga County Council hereby recognize that Americans with disabilities are an underutilized reservoir of ambition, talent and skill ready to make great contributions to the workplace.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Journal CC012  
October 8, 2013



**Item Details:**

<b>Agency/Dept. Name:</b>	Office of Human Resources	<b>Agency/Dept. Head Name:</b>	Elise Hara
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Brittany Jones	<b>Telephone No.</b>	698-6436
<b>SUMMARY OF REQUESTED ACTION:</b>			
<b>A. Scope of Work Summary</b> 1. Department of Human Resources requesting approval of a resolution proclaiming the month of October 2013 as Disability Employment Awareness Month in Cuyahoga County: "Because We are Equal to the Task," and declaring the necessity that this Resolution become immediately effective. <b>B. Procurement NA C. Contractor and Project Information NA D. Project Status and Planning NA E. Funding NA</b>			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
Recognizing the month of October as Red Ribbon Drug Awareness month.			
<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](#)

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0217

<p>Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management</b></p>	<p><b>A Resolution</b> amending the 2012/2013 Biennial Operating Budget for 2013 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.</p>
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WHEREAS, on December 11, 2012, the Cuyahoga County Council adopted the Biennial Operating Budget and Capital Improvements Program Update for 2013 (Resolution No. R2012-0232) establishing the 2013 biennial budget update for all County departments, offices and agencies; and

WHEREAS, it is necessary to adjust the Biennial Operating Budget for 2013 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 2012/2013 Biennial Operating Budget for 2013 be amended to provide for the following additional appropriation increases and decreases:

<b><u>Fund Nos./Budget Accounts</u></b>	<b><u>Journal Nos.</u></b>
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A.	21A757 – CF -IIC Program Evaluation & Maintenance of Child Data	<b>BA1301443</b>
	EC720698 - CF -IIC Program Evaluation & Maintenance of Child Data	
	Other Expenses	\$ 175,000.00

Funding Source: Donation received from the Cleveland Foundation for the period 7/1/2013 – 6/30/2014.

B.	20A807 – EC –Invest in Children	<b>BA1301444</b>
	EC451393 - Program Administration	
	Other Expenses	\$ 50,000.00

Funding Source: The donation received from the United Way of Greater Cleveland.

C.	20A495 – Human Services Other Program	<b>BA1301546</b>
	MI511410 –Human Services Other Contract	
	Other Expenses	\$ (354,459.77)

Funding Source: The funding source is the Health and Human Services Levy Fund.

D.	01A001 – General Fund	<b>BA1301548</b>
	SU514174 –Educational Asst Fund Subsidy	
	Other Expenses	\$ 500,000.00

Funding Source: General Fund.

E.	20A331 – Indigent Guardianship	<b>BA1301563</b>
	PC404665 – Indigent Guardianship	
	Other Expenses	\$ 65,000.00

Funding Source: Funding is from filing fees.

F.	01A001 – General Fund	<b>BA1301567</b>
	FS109678 – Office of Procurement & Diversity	
	Other Expenses	\$ 150,000.00

Funding Source: Funding comes from the General Fund.

G.	20A635 – Title IV-E Juvenile Court	<b>BA1301565</b>
	JC517326 – Title IV-E Administration	
	Other Expenses	\$ 40,000.00

Funding Source: Funding comes through reimbursements through the Social Security Act from the U.S. Department of Health and Human Services.

H1.	01A001 – General Fund	<b>BA1301568</b>
	MI512384 – Information Technology Enterprise System	
	Other Expenses	\$ 174,467.00

H2. 01A001 – General Fund  
 MI512780 – Information Technology Capital  
 Capital Outlay \$ 10,383.00

Funding Source: Funding comes from the General Fund.

**SECTION 2.** That the 2012/2013 Biennial Operating Budget for 2013 be amended to provide for the following appropriation transfers:

<u>Fund Nos./Budget Accounts</u>		<u>Journal Nos.</u>
A. FROM:	24A601 – Senior and Adult Services	<b>BA1301535</b>
	SA138420 –Home Support	
	Personal Services \$ 7,500.00	
TO:	24A601 – Senior and Adult Services	
	SA138420 –Home Support	
	Other Expenses \$ 7,500.00	

Funding Source: The funding source is the Health and Human Services Levy Fund, the Public Assistance allocations, and fees for direct services provided to clients.

B. FROM:	24A601 – Senior and Adult Services	<b>BA1301534</b>
	SA138602 –Home Based Services	
	Personal Services \$ 235,000.00	
TO:	24A601 – Senior and Adult Services	
	SA138420 –Home Support	
	Personal Services \$ 75,000.00	
	24A601 – Senior and Adult Services	
	SA138503 –Information and Outreach	
	Personal Services \$ 120,000.00	
	24A601 – Senior and Adult Services	
	SA138602 –Home Based Services	
	Other Expenses \$ 10,000.00	
	24A601 – Senior and Adult Services	
	SA138701 –Options Program	
	Personal Services \$ 20,000.00	
	24A601 – Senior and Adult Services	
	SA138701 –Options Program	
	Other Expenses \$ 10,000.00	

Funding Source: The funding source is the Health and Human Services Levy Fund, the Public Assistance allocations, and fees for direct services provided to clients.

C. FROM: 21A939 – Adoption Opportunities Grant **BA1301448**  
 CF753962 - Adoption Opportunities Grant  
 Personal Services \$ 25,000.00

TO: 21A939 – Adoption Opportunities Grant  
 CF753962 - Adoption Opportunities Grant  
 Other Expenses \$ 25,000.00

Funding Source: Federal Department of Health & Human Services’ Administration on Children, Youth & Families Bureau.

D. FROM: 21A047 – Oneil Invest in Children & Pos Mom Init **BA1301448**  
 EC720854 - Oneil Invest in Children & Pos Mom Init  
 Other Expenses \$ 2,493.59

TO: 21A047 – Oneil Invest in Children & Pos Mom Init  
 EC720854 - Oneil Invest in Children & Pos Mom Init  
 Personal Services \$ 2,493.59

Funding Source: Donations from the O’Neill Foundation for the period of August 1, 2012 through July 31, 2013.

E. FROM: 20A658 – Fiscal Certificate of Title Administration **BA1301550**  
 FS109694 – Fiscal Title Administration  
 Other Expenses \$ 12,000.00

TO: 20A658 – Fiscal Certificate of Title Administration  
 FS109694 – Fiscal Title Administration  
 Capital Outlay \$ 12,000.00

Funding Source: Funding comes from fees for licensing motor vehicles.

F. FROM: 01A001 – General Fund **BA1301551**  
 FS109652 – Fiscal Operations – Contractual Services  
 Other Expenses \$ 66,000.00

TO: 01A001 – General Fund  
 FS109645 – Fiscal Operations – Records, Licenses, Outreach  
 Capital Outlay \$ 66,000.00

Funding Source: Funding comes from the General Fund.

G. FROM: 01A001 – General Fund **BA1301566**  
 IT601104 – Mainframe Operation Services  
 Other Expenses \$ 145,000.00

TO: 01A001 – General Fund  
 IT601021 – IT Administration  
 Other Expenses \$ 145,000.00

Funding Source: Funding comes from the General Fund.



H. FROM:	62A603 – County Garage		<b>BA1301502</b>
	CT575001 – Maintenance Garage		
	Other Expenses	\$	90,000.00
TO:	62A603 – County Garage		
	CT575001 – Maintenance Garage		
	Capital Outlay	\$	90,000.00

Funding Source: The funding source is charges for services.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

Nays:

_____	_____
County Council President	Date
_____	_____
County Executive	Date

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

\_\_\_\_\_  
Date

Journal CC012  
October 8, 2013



EDWARD FITZGERALD  
Cuyahoga County Executive

CUYAHOGA COUNTY  
FISCAL OFFICER



**October 1, 2013**

**Clerk of County Council**

**Dear Ms. Schmotzer:**

A brief summary of the fiscal items that will be submitted for consideration for adoption on first reading at the regular County Council meeting scheduled for October 8, 2013, are presented below.

**Additional Appropriation Summary** – Additional appropriations are needed when there is a new or increased revenue source, or a revision to the original appropriation level that is required to cover expenditures that exceed the original estimate. A budget review document is provided for General Fund and Health & Human Services Levy Fund impact items.

A reduction in appropriation is requested in conjunction with the close-out of a program, grant, project or decertification of an encumbrance.

\* Impact of fiscal item is included in the current projection and ending fund balance.

<b>General Fund/Health &amp; Human Services *</b>	<b>Amount</b>
Human Services Other Program – Decreasing appropriation for prior year contracts that have been decertified. Funding is from the Health & Human Services Levy Fund.	-\$354,459.77
Educational Assistance Fund Subsidy – To establish appropriations in support of the Cuyahoga County Educational Assistance Program. Funding is a General Fund subsidy.	\$500,000.00
Fiscal Office/Procurement & Diversity – Additional appropriation to provide funding to complete the analysis and reporting portions of the Disparity Study. Funding is from the General Fund.	\$150,000.00
Information Technology – Additional appropriation to cover AT&T Hosting of Exchange to replace GroupWise and purchase disk storage array software. Funding is from the General Fund.	\$184,850.00
<b>TOTAL</b>	<b>\$480,390.23</b>

<b>Other Operating Funds</b>	<b>Amount</b>
Probate Court – To cover the annual cash transfer from the Indigent Guardianship fund to the Division of Senior & Adult Services for the Lutheran Metropolitan Ministries contract. Funding is from filing fees.	\$65,000.00
Juvenile Court – Additional appropriation to provide one-time placement of a juvenile. Funding is through the Social Security Act from the U.S. Department of Health & Human Services.	\$40,000.00
<b>TOTAL</b>	<b>\$105,000.00</b>

<b>Grants/Projects</b>	<b>Amount</b>
Early Childhood – To appropriate a donation received from the Cleveland Foundation for the Invest in Children’s program and maintenance of the Childhood Integrated Longitudinal Data System (CHILD).	\$175,000.00
Early Childhood – To appropriate a donation from the United Way of Greater Cleveland to support operational activities, events and programs.	\$50,000.00
<b>TOTAL</b>	<b>\$225,000.00</b>

<b>Total Additional Appropriations - All Funds</b>	<b>\$810,390.23</b>
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The following represents the overall changes made to the Annual Appropriation Measure for 2013 since its adoption on December 11, 2012 Resolution R2012-0232. The changes reflect the Additional Appropriations, Appropriation Transfers and Cash Transfers to the original adopted appropriation resolution.

**APPROPRIATION STATUS SUMMARY:**

	<u>09/24/13 Agenda</u>	<u>Year to Date*</u>	<u>Adjusted Annual Appropriation</u>
General Fund Impact	\$ 834,850.00	\$ 361,708,846.00	\$ 380,560,651.49
HHS Levy Impact	\$ (354,459.77)	\$ 222,615,901.00	\$ 206,148,451.62
Other Fund Impact	\$ <u>330,000.00</u>	\$ <u>919,467,552.00</u>	\$ <u>1,015,501,016.27</u>
<b>Total Impact</b>	<b>\$ 810,390.23</b>	<b>\$ 1,503,792,299.00</b>	<b>\$ 1,602,210,119.38</b>

\* 2013 appropriation levels adopted by resolution R2012-0232 on December 11, 2012.

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

<b>General Fund/Health &amp; Human Services *</b>	<b>Amount</b>
Senior & Adult Services – Realigning appropriation within the Home Support division to cover projected utility charges through year-end. Funding is from the Health & Human Services Levy Fund, Public Assistance allocations, and fees for direct services.	\$7,500.00
Senior & Adult Services – Realigning appropriation from the Home Based Services division to various divisions to cover projected salary and fringe benefits through year-end. Funding is from the Health & Human Services Levy Fund, Public Assistance allocation and fees for direct services.	\$235,000.00
Fiscal Office/Operations – Realigning appropriation to cover the purchase of equipment for the Microfilm Center. Funding is from the General Fund.	\$66,000.00
Information Technology – Realigning appropriation to cover utility expenses at the data center. Funding is from the General Fund.	\$145,000.00
<b>TOTAL</b>	<b>\$453,500.00</b>

<b>Other Operating Funds</b>	<b>Amount</b>
Fiscal Office/Certificate of Title Administration – Realigning appropriation to cover the purchase of security cameras. Funding is from fees for licensing motor vehicles.	\$12,000.00
Public Works/Facilities Management – Realigning appropriation to cover the purchase of four new automobiles for the Sheriff’s Department. Funding is from charges for services.	\$90,000.00
<b>TOTAL</b>	<b>\$102,000.00</b>

<b>Grants/Projects</b>	<b>Amount</b>
Children & Family Services – Realigning appropriation within the Adoption Opportunities Grant to cover a contract amendment with CWRU and prepare for grant closure. Funding is from the Federal Department of Health & Human Services’ Administration on Children, Youth & Families Bureau.	\$25,000.00
Early Childhood/Invest In Children – Realigning appropriation within the grant to cover personal services for three employees from Administrative Services account. Funding is from donations from the O’Neill Foundation.	\$2,493.59
<b>TOTAL</b>	<b>\$27,493.59</b>

<b>Total Appropriation Transfers - All Funds</b>	<b>\$582,993.59</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.

Grants/Projects	Amount
None Submitted	
<b>TOTAL</b>	<b>0</b>

<b>Total Cash Transfers - All Funds</b>	<b>\$34,046.00</b>
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Thank you for your consideration regarding this matter.

Sincerely,



Matthew Rubino  
Director, Office of Budget & Management  
[mrubino@cuyahogacounty.us](mailto:mrubino@cuyahogacounty.us)  
(216) 443-7448  
Fax: (216) 443-8193

**Recommendation for Appropriation Request**

<b>Request Description</b>	Diversity Study
<b>Requesting Agency</b>	Fiscal Office/Office of Procurement & Diversity
<b>Funding Source</b>	General Fund
<b>Total Impact</b>	\$150,000.00
<b>Status</b>	Recommended
<b>Agenda Date</b>	October 8, 2013

**Summary of Request**

Request to increase appropriation in the amount of \$150,000.00 to complete a Diversity Study of procurement practices and impacts on minority and female business enterprises. The current 2013 budget includes \$100,000.00 for this purpose, and the total expense is estimated at \$250,000.00.

**Background Information**

- Legislation was introduced Ord. No. O2011-0048 to require the County Executive to conduct a Disparity Study every five years. A Disparity Study would include a comprehensive analysis of county contracting data to determine whether statistically significant disparities or underutilization exists in the award of contracts to minority or female business enterprises.

**OBM Recommendation and Impact Statement**

- A Diversity Study would provide empirical data about the effects of the County's procurement practices in minority and female business enterprises. The County has an interest in providing fair opportunities to all vendors to reduce the disparities in contracting practices.
- Funding comes from the General Fund.
- Reducing disparities can increase local economic strength by promoting opportunities to more people and encouraging entrepreneurialship. A stronger local economy can increase job opportunities in Cuyahoga County which can also decrease the need for public services.
- Cuyahoga County last conducted a Disparity Study in 2002, which resulted in the adoption of the County's Small Business Enterprise (SBE) Policy. Many vendors who qualify as SBE also represent diverse populations. The Fiscal Office/Office of Procurement & Diversity has a CountyStat objective to increase SBE participation to five percent of total dollars in formal competitive procurements being awarded to SBE vendors annually by the end of 2013.
- OBM recommends approval.



To: Matt Rubino  
Mark Parks  
Wendy Feinn  
Sybil Haney

From: Michael Young

CC: Jeff Mowry  
Dennis Sullivan

Date: 9/27/2013

Re: IT Appropriation Memorandum

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Please appropriate \$169,042 for index code MI512384-0600 under CSR IT130943 for AT&T hosting of exchange.

Exchange will replace the existing Groupwise environment that supports the County email. The solution will improve stability, increase availability, and address business continuity concerns regarding this business function.

Thank you

Michael Young  
216-443-8066



To: Matt Rubino  
Mark Parks  
Wendy Feinn  
Sybil Haney

From: Michael Young

CC: Jeff Mowry  
Dennis Sullivan

Date: 9/27/2013

Re: IT Appropriation Memorandum

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Please appropriate \$10,383 for index code MI512780 and \$5425 for index code MI512384 for the purchase of a disk storage array (SAN) and supporting software from Service Express under CSR IT130943.

The new SAN will replace the system that failed this week. The failed system significantly impacted the following lines of business: BOR, Treasurer, GIS, Appraisals, Fiscal, and Payroll.

Thank you

Michael Young  
216-443-8066





EDWARD FITZGERALD  
Cuyahoga County Executive

CUYAHOGA COUNTY  
FISCAL OFFICER



**MEMORANDUM**

TO: Jeanne Schmotzer, Clerk of Council

FROM: Matthew Rubino, Director, Office of Budget & Management

DATE: October 1, 2013

RE: Agenda Items

The Office of Budget & Management is requesting that the following fiscal items be presented to the members of County Council for their consideration for approval on first reading at the meeting of October 8, 2013. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

**Resolution: Additional Appropriations**

A.	21A757 – CF -IIC Program Evaluation & Maintenance of Child Data	<b>BA1301443</b>
	EC720698 - CF -IIC Program Evaluation & Maintenance of Child Data	
	Other Expenses	\$ 175,000.00

The Office of Early Childhood is requesting additional appropriation to fully appropriate the donation received from the Cleveland Foundation for \$175,000.00 for evaluation for the Invest in Children’s programs and maintenance of the Childhood Integrated Longitudinal Data System (CHILD) for the period 7/1/2013 – 6/30/2014. The award was approved by the County Executive on August, 13 2013, Approval no. CPB2013-622.

B.	20A807 – EC –Invest in Children	<b>BA1301444</b>
	EC451393 - Program Administration	
	Other Expenses	\$ 50,000.00

The Office of Early Childhood is requesting additional appropriation to fully appropriate the 2013 donation received from the United Way of Greater Cleveland for \$50,000.00 is to support operational activities, events and programs that mobilize resources and energy to ensure the wellbeing of all young children in Cuyahoga County . The award was approved by the County Executive on August, 29 2013, Approval no. CPB2013-654.

C.	20A495 – Human Services Other Program	<b>BA1301546</b>
	MI511410 –Human Services Other Contract	
	Other Expenses	\$ (354,459.77)

Fiscal Office  
Office of Budget & Management  
1219 Ontario Street, Cleveland, OH 44113, (216) 443-7220, FAX (216) 443-8193  
Ohio Relay Service (TTY) 711

Request to decrease appropriation within the Human Services Other Program. Appropriation should be decreased because corresponding contracts have been decertified and funding is no longer available. The funding source is the Health and Human Services Levy Fund.

D.	01A001 – General Fund SU514174 – Educational Asst Fund Subsidy Other Expenses	\$ 500,000.00	<b>BA1301548</b>
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This request is to setup appropriations for the General Fund Subsidy in support of the Cuyahoga County Educational Assistance Program. The Department of Workforce Development, through its Employment Connection Center, has been designated by Cuyahoga County Council Ordinance No. O2012-0007, signed 7/10/12, to offer eligible county residents vocational, training, and job retraining opportunities that focus on in-demand occupations and match skilled workers with employers.

E.	20A331 – Indigent Guardianship PC404665 – Indigent Guardianship Other Expenses	\$ 65,000.00	<b>BA1301563</b>
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Request to increase appropriation to Probate Court’s Indigent Guardianship Fund to support the annual transfer of cash from the Fund to the Department of Senior and Adult Services. This funding offsets the cost to the Health and Human Services levies of the annual contract with Lutheran Metropolitan Ministries for adult guardianship services.

F.	01A001 – General Fund FS109678 – Office of Procurement & Diversity Other Expenses	\$ 150,000.00	<b>BA1301567</b>
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The Fiscal Office plans to complete the Disparity Study that has begun to study the diversity of County procurement practices. The additional appropriation would provide funding for completing the analysis and reporting portions of the Disparity Study. The Fiscal Office currently has \$100,000 in appropriation for the Disparity Study and the total costs are estimated at \$250,000. Funding comes from the General Fund.

G.	20A635 – Title IV-E Juvenile Court JC517326 – Title IV-E Administration Other Expenses	\$ 40,000.00	<b>BA1301565</b>
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Juvenile Court requests additional appropriation for a one-time placement of a juvenile. Funding comes through reimbursements through the Social Security Act from the U.S. Department of Health and Human Services passed through the State of Ohio for eligible expenses associated with the placement of children who are at risk or victims of abuse or neglect in substitute placements.

H1.	01A001 – General Fund MI512384 – Information Technology Enterprise System Other Expenses	\$ 174,467.00	<b>BA1301568</b>
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H2.	01A001 – General Fund MI512780 – Information Technology Capital Capital Outlay	\$ 10,383.00	
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An Information Technology Reserve has been established for up to \$4 million for capital and enterprise information technology investments. In this biennium, \$2,334,365 has been appropriated; \$350,000 has been appropriated for Enterprise (MI512384) and \$1,984,365 has been appropriated to the Capital account (MI512780). The requested appropriation includes \$169,042 in the IT Enterprise System account for AT&T Hosting of Exchange to replace Groupwise and \$15,808 to purchase disk storage array (SAN) and supporting software (split \$10,383 in the IT Capital account and \$5,425 for supporting software in the IT Enterprise account). Funding comes from the General Fund.

**Resolution: Appropriation Transfers:**

A.	FROM:	24A601 – Senior and Adult Services SA138420 –Home Support Personal Services	\$	7,500.00	<b>BA1301535</b>
	TO:	24A601 – Senior and Adult Services SA138420 –Home Support Other Expenses	\$	7,500.00	

Request to realign appropriation within the Department of Senior and Adult Services. This realignment will allow the department to cover projected utility charges for the remainder of the year. The funding source is the Health and Human Services Levy Fund, the Public Assistance allocations, and fees for direct services provided to clients.

B.	FROM:	24A601 – Senior and Adult Services SA138602 –Home Based Services Personal Services	\$	235,000.00	<b>BA1301534</b>
	TO:	24A601 – Senior and Adult Services SA138420 –Home Support Personal Services	\$	75,000.00	
		24A601 – Senior and Adult Services SA138503 –Information and Outreach Personal Services	\$	120,000.00	
		24A601 – Senior and Adult Services SA138602 –Home Based Services Other Expenses	\$	10,000.00	
		24A601 – Senior and Adult Services SA138701 –Options Program Personal Services	\$	20,000.00	
		24A601 – Senior and Adult Services SA138701 –Options Program Other Expenses	\$	10,000.00	

The Department of Senior and Adult Services has requested appropriation transfers to realign appropriations within index codes to cover projected salary and fringe charges for the remainder of the year. The funding source is the Health and Human Services Levy Fund, the Public Assistance allocations, and fees for direct services provided to clients.

C.	FROM:	21A939 – Adoption Opportunities Grant CF753962 - Adoption Opportunities Grant Personal Services	\$	25,000.00	<b>BA1301448</b>
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TO: 21A939 – Adoption Opportunities Grant  
 CF753962 - Adoption Opportunities Grant  
 Other Expenses \$ 25,000.00

The Department of Children and Family Services requests an appropriation increase along with a corresponding decrease, in order to cover the amendment of the CWRU contract and close out the Adoptions Opportunity Grant. This appropriation transfer is requested in order to realign funds within this index code between budget lines.

D. FROM: 21A047 – Oneil Invest in Children & Pos Mom Init **BA1301448**  
 EC720854 - Oneil Invest in Children & Pos Mom Init  
 Other Expenses \$ 2,493.59

TO: 21A047 – Oneil Invest in Children & Pos Mom Init  
 EC720854 - Oneil Invest in Children & Pos Mom Init  
 Personal Services \$ 2,493.59

The Office of Early Childhood requests an appropriation transfer in order to realign appropriation within this account in order to transfer an apportionment of authorized payroll cover expenses for three employees from Administrative Services' account for the period beginning July 15, 2012 thru August 25, 2012 as a prior period adjustment to spend down the remaining balance in the grant.

E. FROM: 20A658 – Fiscal Certificate of Title Administration **BA1301550**  
 FS109694 – Fiscal Title Administration  
 Other Expenses \$ 12,000.00

TO: 20A658 – Fiscal Certificate of Title Administration  
 FS109694 – Fiscal Title Administration  
 Capital Outlay \$ 12,000.00

A transfer in appropriation within Fiscal Certificate of Title Administration would provide enough appropriation for the purchase of security cameras. Previously, a transfer occurred assuming that some of this expense would fall in the other expenses category. This transfer would allow the entire expense to be made in the capital outlay line. Funding comes from fees for licensing motor vehicles.

F. FROM: 01A001 – General Fund **BA1301551**  
 FS109652 – Fiscal Operations – Contractual Services  
 Other Expenses \$ 66,000.00

TO: 01A001 – General Fund  
 FS109645 – Fiscal Operations – Records, Licenses, Outreach  
 Capital Outlay \$ 66,000.00

The Fiscal Office has established a Microfilm Center budget to provide scanning services to the County and regional entities. An additional purchase of equipment is necessary to provide the capacity to meet the current need for electronic documents. The Contractual Services budget line has a projected surplus sufficient to cover the additional expense for the scanning equipment. Funding comes from the General Fund.

G.	FROM:	01A001 – General Fund	<b>BA1301566</b>
		IT601104 – Mainframe Operation Services	
		Other Expenses	\$ 145,000.00
	TO:	01A001 – General Fund	
		IT601021 – IT Administration	
		Other Expenses	\$ 145,000.00

The Department of Information Technology reorganized its budget structure in 2013 and continues to consolidate county information technology services into this budget. Realignment is needed between divisions as the department refines its organization structure. This transfer would provide appropriation in the Administration division to pay electricity expenses at the data center. Funding comes from the General Fund.

H.	FROM:	62A603 – County Garage	<b>BA1301502</b>
		CT575001 – Maintenance Garage	
		Other Expenses	\$ 90,000.00
	TO:	62A603 – County Garage	
		CT575001 – Maintenance Garage	
		Capital Outlay	\$ 90,000.00

Appropriation transfer is requested by the Department of Public Works, Facilities Management division, County Garage section to purchase four new automobiles for the Cuyahoga County Sheriff's Department. The Sheriff's Department has formed a new Missing Persons Unit to investigate unresolved missing persons cases within the County. The initiative consists of a missing persons website and database; a missing persons liaison; and the two missing persons Sheriff Deputies. The Sheriff is hiring two additional Sheriff Deputies in order to implement this new initiative. The Sheriff's Department has requested one automobile for this program. Another new role for The Sheriff's Department is the transportation of juvenile offenders. The Sheriff's Department has requested three vans for this program. The four automobile purchases will allow for the Sheriff's Department to fulfill these two new efforts. The funding source is charges for services.

**Resolution: Cash Transfers:**

NONE SUBMITTED.

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0218

<p>Sponsored by: <b>County Executive FitzGerald on behalf of Common Pleas Court/Juvenile Court Division</b></p>	<p><b>A Resolution</b> approving a Collective Bargaining Agreement between Cuyahoga County Common Pleas Court/Juvenile Court Division and Laborers’ Local 860, a/w Laborers’ International Union of North America, representing approximately 107 employees in 8 classifications in Probation, Clerks and Transportation Services for the period 11/1/2012 - 10/31/2015; directing that funds necessary to implement the Collective Bargaining Agreement be budgeted and appropriated; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the Cuyahoga County Common Pleas Court/Juvenile Court Division has been engaged in negotiations with the Laborers’ Local 860, a/w Laborers’ International Union of North America in an effort to negotiate a collective bargaining agreement (“CBA”) that includes approximately 107 employees in 8 classifications in Probation, Clerks and Transportation Services; and,

WHEREAS, on or about October 31, 2012, the bargaining unit voted in a new Union, Laborers’ Local 860, a/w Laborer’s International Union of North America to replace Service Employees International Union (SEIU 1199); and,

WHEREAS, the parties have met on multiple occasions in a consolidated effort to negotiate new terms and have reached a tentative agreement on a single collective bargaining agreement; and,

WHEREAS, on or about June 29, 2013, the members of the bargaining unit met and voted to ratify the proposed collective bargaining agreement in full; and,

WHEREAS, O.R.C. 4117.10 (B) requires that a public employer submit a request for funds necessary to implement an agreement, and for approval of any other matter requiring the approval of the appropriate legislative body to the legislative body within thirty days of the date on which the parties finalize the agreement, unless

otherwise specified or if the legislative body is not in session at the time, then within fourteen days after it convenes; and,

WHEREAS, O.R.C. 4117.10(B) further states that the legislative body must approve or reject the submission as a whole, and the submission is deemed approved if the legislative body fails to act within thirty days after the public employer submits the agreement; and,

WHEREAS, the County Executive on behalf of Common Pleas Court/Juvenile Court Division is recommending that Council approve the proposed Collective Bargaining Agreement for the period of November 1, 2012 – October 31, 2015; and,

WHEREAS, it is necessary that this Resolution become immediately effective to ensure the efficient operation of the Cuyahoga County Common Pleas Court/Juvenile Court Division.

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

**SECTION 1.** The Cuyahoga County Council hereby approves the Collective Bargaining Agreement between Cuyahoga County Common Pleas Court/Juvenile Court Division and with the Laborers’ Local 860, a/w Laborers’ International Union of North America in an effort to negotiate a collective bargaining agreement (“CBA”) that includes approximately 107 employees in 8 classifications in Probation, Clerks and Transportation Services for the period of November 1, 2012 – October 31, 2015, and authorizes the County Executive to execute all documents consistent with this Resolution.

**SECTION 2.** Funds necessary to implement the CBA between the County and Laborers’ Local 860, a/w Laborers’ International Union of North America shall be budgeted and appropriated.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 4.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that



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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

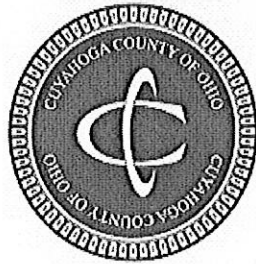
\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Journal CC012  
October 8, 2013



7a-b

**Item Details:**

<b>Agency/Dept. Name:</b>	Juvenile Court	<b>Agency/Dept.Head Name:</b>	Marita Kavalec
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Karen Lippmann	<b>Telephone No.</b>	698-4791
<b>SUMMARY OF REQUESTED ACTION:</b>			
Consideration of a Resolution for First reading adoption under suspension of rules/executive session:			
(1.) A resolution approving an agreement with Laborers' Local 860, a/w Laborers' International Union of North America and the Court of Common Pleas, Juvenile Court Division, Probation, Clerks and Transportation staff for the period November 1, 2012 through October 31, 2015; and			
(2.) a resolution approving an agreement with Laborers' Local 860, a/w Laborers' International Union of North America and the Court of Common Pleas, Juvenile Court Division, Detention Services staff for the period January 1, 2013 through December 31, 2015;			
directing that funds necessary to implement these Collective Bargaining Agreements be budgeted and appropriated; authorizing the County Executive to execute the Agreements and all other documents required consistent with this Resolution; <b><u>and declaring the necessity that this Resolution become immediately effective.</u></b>			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
The agreement for Probation, Clerks and Transportation staff covers 107 employees in 8 job classifications. The agreement with the Detention Services staff covers 122 employees in 7 job classifications.			
Anthony D. Liberatore, Jr. is the Business Manager / Secretary-Treasurer of the Laborers' Union Local 860.			
<b>Explanation for late submittal:</b>			
negotiations between Court staff and Union representatives			

**Contract/Agreement Information:**

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

<b>Financial Information:</b> <b>Funding source:    Explanation:</b> Other <b>Total Amount Requested:</b> \$
--

**ATTACHMENTS:**

- Click to download
- [Laborers' 860 Probation agree](#)
  - [Laborers 860 probation exec. summary](#)
  - [Laborers' 860 Detention agree](#)
  - [Laborers' 860 Detention exec. summary](#)

History	Who	Approval
<b>Time</b> 9/18/2013 8:38 AM	Clerk of the Board Department of Law	Yes



# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0219

<p>Sponsored by: <b>County Executive FitzGerald on behalf of Common Pleas Court/Juvenile Court Division</b></p>	<p><b>A Resolution</b> approving a Collective Bargaining Agreement between Cuyahoga County Common Pleas Court/Juvenile Court Division and Laborers’ Local 860, a/w Laborers’ International Union of North America, representing approximately 122 employees in 7 classifications in Detention Services for the period 1/1/2013 - 12/31/2015; directing that funds necessary to implement the Collective Bargaining Agreement be budgeted and appropriated; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the Cuyahoga County Common Pleas Court/Juvenile Court Division has been engaged in negotiations with the Laborers’ Local 860, a/w Laborers’ International Union of North America in an effort to negotiate a collective bargaining agreement (“CBA”) that includes approximately 122 employees in 7 classifications in Detention Services; and,

WHEREAS, on or about October 31, 2012, the bargaining unit voted in a new Union, Laborers’ Local 860, a/w Laborer’s International Union of North America to replace Service Employees International Union (SEIU 1199); and,

WHEREAS, the parties have met on multiple occasions in a consolidated effort to negotiate new terms and have reached a tentative agreement on a single collective bargaining agreement; and,

WHEREAS, on or about June 29, 2013, the members of the bargaining unit met and voted to ratify the proposed collective bargaining agreement in full; and,

WHEREAS, O.R.C. 4117.10 (B) requires that a public employer submit a request for funds necessary to implement an agreement, and for approval of any other matter requiring the approval of the appropriate legislative body to the legislative body within thirty days of the date on which the parties finalize the agreement, unless otherwise specified or if the legislative body is not in session at the time, then within fourteen days after it convenes; and,

WHEREAS, O.R.C. 4117.10(B) further states that the legislative body must approve or reject the submission as a whole, and the submission is deemed approved if the legislative body fails to act within thirty days after the public employer submits the agreement; and,

WHEREAS, the County Executive on behalf of Common Pleas Court/Juvenile Court Division is recommending that Council approve the proposed Collective Bargaining Agreement for the period of January 1, 2013 – December 31, 2015; and,

WHEREAS, it is necessary that this Resolution become immediately effective to ensure the efficient operation of the Cuyahoga County Common Pleas Court/Juvenile Court Division.

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

**SECTION 1.** The Cuyahoga County Council hereby approves the Collective Bargaining Agreement between Cuyahoga County Common Pleas Court/Juvenile Court Division and with the Laborers’ Local 860, a/w Laborers’ International Union of North America, in an effort to negotiate a collective bargaining agreement (“CBA”) that includes approximately 122 employees in 7 classifications in Detention Services for the period of January 1, 2013 – December 31, 2015, and authorizes the County Executive to execute all documents consistent with this Resolution.

**SECTION 2.** Funds necessary to implement the CBA between the County and Laborers’ Local 860, a/w Laborers’ International Union of North America, shall be budgeted and appropriated.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

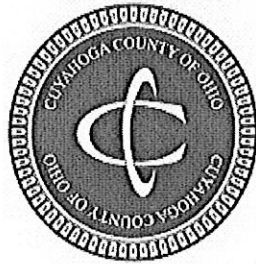
Nays:

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

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

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

Journal CC012  
October 8, 2013



7a-b

**Item Details:**

<b>Agency/Dept. Name:</b>	Juvenile Court	<b>Agency/Dept.Head Name:</b>	Marita Kavalec
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Karen Lippmann	<b>Telephone No.</b>	698-4791
<b>SUMMARY OF REQUESTED ACTION:</b>			
Consideration of a Resolution for First reading adoption under suspension of rules/executive session:			
(1.) A resolution approving an agreement with Laborers' Local 860, a/w Laborers' International Union of North America and the Court of Common Pleas, Juvenile Court Division, Probation, Clerks and Transportation staff for the period November 1, 2012 through October 31, 2015; and			
(2.) a resolution approving an agreement with Laborers' Local 860, a/w Laborers' International Union of North America and the Court of Common Pleas, Juvenile Court Division, Detention Services staff for the period January 1, 2013 through December 31, 2015;			
directing that funds necessary to implement these Collective Bargaining Agreements be budgeted and appropriated; authorizing the County Executive to execute the Agreements and all other documents required consistent with this Resolution; <b><u>and declaring the necessity that this Resolution become immediately effective.</u></b>			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
The agreement for Probation, Clerks and Transportation staff covers 107 employees in 8 job classifications. The agreement with the Detention Services staff covers 122 employees in 7 job classifications.			
Anthony D. Liberatore, Jr. is the Business Manager / Secretary-Treasurer of the Laborers' Union Local 860.			
<b>Explanation for late submittal:</b>			
negotiations between Court staff and Union representatives			

**Contract/Agreement Information:**

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

<b>Financial Information:</b> <b>Funding source:</b> <b>Explanation:</b> Other <b>Total Amount Requested:</b> \$
--

**ATTACHMENTS:**

Click to download

- [Laborers' 860 Probation agree](#)
- [Laborers 860 probation exec. summary](#)
- [Laborers' 860 Detention agree](#)
- [Laborers' 860 Detention exec. summary](#)

History	Who	Approval
<b>Time</b> 9/18/2013 8:38 AM	Clerk of the Board Department of Law	Yes





# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0220

<p>Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Division of County Engineer</b></p>	<p><b>A Resolution</b> approving an Amended and Restated Sewer Service Agreement with City of North Olmsted for conveyance and treatment of wastewater from Olmsted Township to the North Olmsted Wastewater Treatment Plant for the period 10/22/2013 - 10/21/2033 to confirm and clarify joint use, respective rights and obligations in connection with portions of the North Olmsted Sanitary Sewer System jointly used by North Olmsted and the County; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the City of North Olmsted (“North Olmsted”) owns and operates a sanitary sewer system, which includes a collection system, lift station, a wastewater treatment plant and appurtenances with the capacity to treat a certain volume of wastewater originating outside of North Olmsted corporate boundaries; and

WHEREAS, pursuant to ORC §6117, the County has established Cuyahoga County Sewer District No. 14 for the purpose of preserving and promoting public health and welfare; and

WHEREAS, included in District No. 14 is certain territory within Olmsted Township that can be served by the North Olmsted Sanitary Sewer System (“the Service Area”), and

WHEREAS, North Olmsted and the County entered into an agreement dated September 1, 1988 (as amended to date, the “Prior Agreement”) providing for the conveyance of wastewater from the Service Area to the North Olmsted Wastewater Treatment Plant, and for the use of the Wastewater Treatment Plant to treat wastewater from the Service Area; and

WHEREAS, North Olmsted and the County find it necessary and appropriate to amend the Prior Agreement and enter into an Amended and Restated Sewer Service Agreement for conveyance and treatment of wastewater from Olmsted Township to the North Olmsted Wastewater Treatment Plant for the period 10/22/2013 - 10/21/2033; to

confirm and clarify joint use, respective rights and obligations in connection with portions of the North Olmsted Sanitary Sewer System jointly used by North Olmsted and the County; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue without interruption, and to provide for the usual, daily operation of a county entity.

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

**SECTION 1.** The County Council hereby approves the Amended and Restated Sewer Service Agreement between the City of North Olmsted and the County for conveyance and treatment of wastewater from Olmsted Township to the North Olmsted Wastewater Treatment Plant for the period 10/22/2013 - 10/21/2033.

**SECTION 2.** That the County Executive is authorized to execute all documents required in connection with said Agreement.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer	<b>Agency/Dept. Head Name:</b>	Stan Kosilesky
<b>Type of Request:</b>	Agreement/Amendment		
<b>Request Prepared by:</b>	Tamala L. DiFilippo	<b>Telephone No.</b>	216/443-7657

**SUMMARY OF REQUESTED ACTION:**

**Scope of Work Summary**

1). Department of Public Works requesting approval of an amended and restated Sewer Service Agreement between the County and the City of North Olmsted for the City of North Olmsted to provide for Sanitary Sewage Treatment for Olmsted Township - there is no cost associated with this specific agreement. This agreement provides for the conveyance of and treatment of wastewater from the Service Area in Olmsted Township to the North Olmsted Wastewater Treatment Plant. The Department is requesting that this Resolution becomes immediately effective.

2). The primary goal of this Agreement is to confirm and clarify the City of North Olmsted and the County's respective rights and obligations with respect to the portions of the North Olmsted Sanitary Sewer System used jointly by North Olmsted and the County.

**Contractor and Project Information**

- 1). The address of the other party - the City of North Olmsted, 5200 Dover Center Road, North Olmsted, Ohio 44070
- 2). The owner is the City of North Olmsted
- 3a). The address of the project is throughout the City of North Olmsted & Olmsted Township
- 3b). The project is located in Council District 1 & 5

**Funding**

1). As noted above, there is no cost associated with this specific Agreement with the City of North Olmsted.

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

**Explanation for late submittal:**

**Contract/Agreement Information:**

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

**Financial Information:**

**Funding source:    Explanation:**  
**Total Amount Requested:**  
\$

**ATTACHMENTS:**

Click to download  
 [Amended & Restate Agreement](#)

History	Who	Approval
Time	Clerk of the Board	



# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0221

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Division of County Engineer</b>	<b>A Resolution</b> making an award on RQ28695 to Jack Doheny Companies, Inc. in the amount not-to-exceed \$3,000,000.00 for sewer jet/vac trucks, parts, supplies and services for the period 10/1/2013 - 9/30/2018; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive FitzGerald/ Department of Public Works/Division of County Engineer has recommended an award on RQ28695 to Jack Doheny Companies, Inc. in the amount not-to-exceed \$3,000,000.00 for sewer Jet Vac Trucks, parts, supplies and services for the period 10/1/2013 - 9/30/2018; and

WHEREAS, this award will allow the Department of Public Works to standardize it's equipment fleet and lower operational costs through: (1) Improved maintenance efficiency, (2) Fewer diagnostic and specialty tools, (3) Smaller parts inventory, (4) Increases operational efficiency and safety, (5) Lower procurement cost, and (6) Better manufacturer and dealer support; and

WHEREAS, \$750,000 of the funding for this project will come from the County Road and Bridge Fund and \$2,250,000 will come from the Sanitary Sewer Fund; 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 entity.

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

**SECTION 1.** That the County Council hereby approves the County Executive's recommendation and authorizes an award on RQ28695 to Jack Doheny Companies, Inc. in the amount not-to-exceed \$3,000,000.00 for sewer Jet Vac Trucks, parts, supplies and services for the period 10/1/2013 - 9/30/2018.

**SECTION 2.** That the County Executive is authorized to execute all documents required in connection with said contract.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_



**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer/Sanitary Engineering Division	<b>Agency/Dept. Head Name:</b>	Michael Chambers
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**Type of Request:** Award Recommendation

<b>Request Prepared by:</b>	Don Jerele	<b>Telephone No.</b>	348-4065
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**SUMMARY OF REQUESTED ACTION:**

**A. Scope of Work Summary**

The Department of Public Works is awarding to Jack Doheny Companies, Inc. in the amount not to exceed ~~\$4,000,000.00~~ **\$3,000,000.00** under ~~RQ-25607~~ **RQ28695** for Vactor Manufacturing jet/vac trucks, parts, supplies and services for the period Sept. 1, 2013 through Aug. 31, 2018.

The RFP was conducted in accordance with County Policies and open to all jet/vac manufacturers and their corresponding dealers. The criteria established in the RFP scored several categories in which the Vactor brand scored highest.

The RFP allows the Dept of Public Works for the next several years to avoid delays in placing equipment in the communities serviced under contract that arise in the bid process. The RFP established the better product and allows immediate negotiations for pricing and delivery.

The Dept of Public Works staff exercises extreme diligence in the selection process of equipment and vendors when obtaining specialized equipment the decision is made only after a review of the equipment, longevity, serviceability and pricing.

**B. Procurement**

The procurement method was a Formal RFP which after the evaluation of three proposals resulted in an award to Jack Doheny Companies, Inc. After the award process, individual purchases will be processed through the purchasing system and submitted for traditional approvals. Pricing will be negotiated individually for each item selected.



**C. Contractor and Project Information**

Jack Doheny Companies, Inc.  
1860 Summit Commerce Parkway  
Twinsburg, Ohio 44087  
Council Distric n/a

**D. Project Status**

On March 25, 2013 a Public Advertisement for Request for Proposals was published and entered on the County's Web site. Three RFPs were received by the April 10, 2013 due date and subsequently scored by the selection committee on May 2, 2013. The vendor scoring highest and named for the award was the Jack Doheny Companies, Inc.

**E. Funding**

There is an estimated Not to Exceed \$ 4,000,000.00  
Road & Bridge Fund \$ 800,000.00  
Sanitary Sewer Fund \$ 3,200,000.00

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

Cuyahoga County Department of Public Works by the Award of RFP 25607 will standardize it's equipment fleet and lower operational costs through: 1. Improved maintenance efficiency, 2. Fewer diagnostic and specialty tools, 3. Smaller parts inventory, 4. Increased operational efficiency and safety, 5. Lower procurement cost, and 6. Better manufacturer and dealer support.

Gary Mapes, Senior Vice President

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

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

**Financial Information:**

**Funding source:**      **Explanation:**  
Road & Bridge and Sanitary Sewer Funds

**Total Amount Requested:**

\$

**ATTACHMENTS:**

Click to download

- [Proposal Evaluation](#)
- [Proposal Extension](#)
- [Auditors Findings](#)
- [Sec of State Form](#)

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0222

<p>Sponsored by: <b>County Executive FitzGerald/Department of Development</b></p>	<p><b>A Resolution</b> authorizing an Economic Development Redevelopment Ready Loan in the amount not-to-exceed \$1,000,000.00 to Fairmont Creamery Leverage Lender, LLC for renovation of a building located at 1720 Willey Avenue, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Development has recommended an Economic Development Redevelopment Ready Loan in the amount not-to-exceed \$1,000,000.00 to Fairmont Creamery Leverage Lender, LLC for renovation of a building located at 1720 Willey Avenue, Cleveland; and,

WHEREAS, the primary goal of this project is to renovate the former Fairmont Creamery Building located at 1720 Willey Avenue in Cleveland for reuse as office and residential units; and,

WHEREAS, this project is anticipated to create 45 new full-time equivalent jobs within three (3) years of project approval and these jobs must be maintained for ten (10) years; and,

WHEREAS, the total project costs are estimated at \$13,425,860.00 and the County will loan \$1,000,000.00 with a fixed interest rate of 4% and must be repaid within ten (10) years; 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 entity.

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

**SECTION 1.** That the Cuyahoga County Council hereby authorizes an Economic Development Redevelopment Ready Loan in the amount not-to-exceed \$1,000,000.00 to Fairmont Creamery Leverage Lender, LLC for renovation of a building located at 1720 Willey Avenue, Cleveland.

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

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

Nays:

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

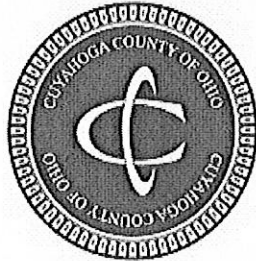
\_\_\_\_\_  
County Executive                              Date

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

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_



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**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Development	<b>Agency/Dept. Head Name:</b>	Larry Benders, Director
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Laura Clark	<b>Telephone No.</b>	698-2575

**SUMMARY OF REQUESTED ACTION:**

TITLE: Development/2013/Fairmont Creamery Leverage Lender, LLC/Economic Development Loan/1720 Willey Avenue/Cleveland

A. Scope of Work Summary

1. Department of Development requesting approval of an Economic Development Redevelopment Ready Loan to Fairmont Creamery Leverage Lender, LLC in the amount not-to-exceed \$1,000,000 and authorizing the Director of 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.

2. The primary goals of the project are to renovate the former Fairmont Creamery Building located at 1720 Willey Avenue in Cleveland for reuse as office and residential units. The project will create 45, new to Cuyahoga County, full-time equivalent jobs through the leasing of the office space to three identified tenants. Total project costs are estimated at \$13,425,680 and the County loan is \$1,000,000.

B. PROCUREMENT: Economic Development Loan

The loan was considered by the Cuyahoga County Community Improvement Corporation Economic Development Loan Committee on September 11, 2013. The Committee recommends approval of the loan, subject to approval of private financing.

C. CONTRACTOR AND PROJECT INFORMATION:

1. Economic Development Loan borrower:  
Fairmont Creamery Leverage Lender, LLC  
65 E. College Street, #3

Oberlin, OH 44074  
 2. Principal Owner of Fairmont Creamery Leverage Lender, LLC is Sustainable Community Associates II, LLC.  
 3. The location of the project is  
 Former Fairmont Creamery Building  
 1720 Willey Avenue  
 Cleveland, Ohio 44113  
 County Council District 7

**D. PROJECT STATUS AND PLANNING:**  
 The Department of Development has Economic Development loans for eligible businesses that create employment opportunities and promote economic growth in the County.

**E. FUNDING:**  
 This project will be funded by the Cuyahoga County Western Reserve Fund  
 The schedule of payments will be quarterly.

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

**PURPOSE:** Fairmont Creamery Leverage Lender, LLC will be renovating the former Fairmont Creamery Building located at 1720 Willey Avenue, Cleveland for reuse as office and residential units. The County's \$1,000,000 loan will be utilized to assist with the environmental cleanup of the property. The total project cost is \$13,425,680; the County's assistance is approximately 7.4% of the project.

The loan was considered by the Cuyahoga County Community Improvement Corporation Economic Development Loan Committee on September 11, 2013. The Committee recommends approval of the loan, subject to approval of private financing.

**OUTCOMES:** The project is expected to create 45, new to Cuyahoga County, full-time equivalent jobs within three years of project approval, which must be maintained for ten years. The loan has a fixed interest rate of 4% and must be repaid within 10 years.

**PRINCIPAL OWNERS:** Fairmont Creamery Leverage Lender, LLC is 100% Sustainable Community Associates II, LLC.

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

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

**Financial Information:**

<b>Funding source:</b>	<b>Explanation:</b>
General Fund	Cuyahoga County Western Reserve Fund

**Total Amount Requested:**  
 \$1,000,000.00

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0223

<p>Sponsored by: <b>County Executive FitzGerald/Department of Development</b></p>	<p><b>A Resolution</b> rescinding Resolution No. R2013-0093 and authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2013 (Flats East Bank Phase II Project) in the aggregate principal amount not-to-exceed \$17,000,000.00 for the purpose of assisting in the financing of a "Project" within the meaning of Chapter 165, Ohio Revised Code, paying capitalized interest, funding a debt service reserve fund and paying costs of issuance; providing for a guaranty for the payment of such bonds; authorizing the execution of various documents required in connection with said bond issuance and authorizing and approving related matters; and declaring the necessity that this Resolution become immediately effective.</p>
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**WHEREAS**, the County of Cuyahoga, Ohio (the "Issuer"), a county and political subdivision duly organized and validly existing under the laws of the State of Ohio, by virtue of the laws of the State of Ohio (the "State"), including Article VIII, Section 13 of the Constitution of the State and Chapter 165 of the Ohio Revised Code, as amended (the "Act"), is authorized and empowered among other things, to: (a) acquire, construct, reconstruct, enlarge, improve, furnish and equip a "project", as defined in Section 165.01, as amended, Ohio Revised Code; (b) issue its economic development revenue bonds for the purpose of paying the costs thereof; (c) 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 economic development revenue bonds; (d) secure those economic development revenue bonds by a trust indenture, by the pledge and assignment of its rights under a loan agreement, and by an assignment of certain funds to be held by the trustee under that trust indenture; (e) guaranty the payment of those economic development revenue bonds from available revenues; and (f) enact this Bond Resolution (the "Bond Resolution"); and

**WHEREAS**, the Cuyahoga County Community Improvement Corporation ("CCCIC") approved the issuance of the Bonds (as defined below) in the maximum aggregate amount of \$17,000,000 and the related Issuer guaranty at its annual meeting on March 20, 2013; 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, Flats East Development LLC, an Ohio limited liability company (the "Borrower"), previously adopted Resolution No. R2013-0093, on July 9, 2013 (the "Original Resolution"), and authorized therein (a) the issuance and sale of the County's Taxable Economic Development Revenue Bonds, Series 2013 (Flats East Bank Phase II Project) in the aggregate principal amount not to exceed \$17,000,000 (the "Bonds") to (i) finance a portion of the costs of acquiring, constructing, reconstructing, enlarging, improving, furnishing and equipping a "project", as defined in Section 165.01, as amended, Ohio Revised Code, including but not limited to commercial facilities constituting approximately 235,000 square feet of new market rate residential rental units and approximately 80,000 square feet of ground level retail and restaurant space, (ii) pay capitalized interest, (iii) fund a debt service reserve fund and (iv) pay costs of issuance (collectively, the "Series 2013 Project"); (b) the guaranty of the payment of the Bonds from available revenues, subject to appropriation by this Council; (c) the execution and delivery of the Trust Indenture (the "Indenture"), by and between the Issuer and The Huntington National Bank, as trustee (the "Trustee"); and (d) the execution and delivery of the other agreements and instruments identified therein; and

**WHEREAS**, to secure the payment of, and premium, if any, and interest on, the Bonds, the Borrower shall deliver, or shall cause to be delivered, the Completion Guaranty (as defined below), the Developer Guaranty (as defined below), the Fee Mortgage (as defined below) and the Leasehold Mortgage (as defined below); and

**WHEREAS**, it is anticipated that contemporaneously with the Issuer's issuance of the Bonds, the Cleveland-Cuyahoga County Port Authority (the "Port Authority") will issue its Cleveland-Cuyahoga County Port Authority First Mortgage Revenue Bonds, which will be secured by, among other things, an Open-End Leasehold Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing and an Open-End Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing (collectively, the "Senior Mortgages"); and

**WHEREAS**, the Issuer's mortgage liens arising under the Fee Mortgage and the Leasehold Mortgage will be subordinate to the Senior Mortgages; and

**WHEREAS**, neither the Bonds nor the Guaranty shall 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 Issuer, 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 Issuer, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges, and the Bonds will be payable solely from Revenues (as defined in the Indenture), amounts payable under the Guaranty (as defined below) and other monies available to the Borrower; and



**WHEREAS**, amounts due under the Guaranty shall be payable by the Issuer from available revenues, subject to appropriation by this Council; and

**WHEREAS**, the Act provides, among other things, that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is in the public interest and a proper public purpose for the State or its political subdivisions, including the Issuer, to guarantee loans to provide moneys for the acquisition, construction, enlargement, improvement, or equipping of property, structures, equipment, and facilities within the State for commerce; and

**WHEREAS**, the Original Resolution contains certain scrivener's errors, and at the request of the Borrower, this Council now desires to rescind the Original Resolution to correct the scrivener's errors and permit the issuance of the Bonds previously authorized.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the County of Cuyahoga, Ohio that:

**SECTION 1. Definitions.**

(a) As used herein, the following capitalized words and terms shall have the following definitions, unless the context or use indicates another or different meaning or intent:

(i) "Clerk" means the Clerk of Council.

(ii) "Completion Guaranty" means that certain Completion Guaranty delivered to the Issuer guaranteeing completion of the Series 2013 Project.

(iii) "County Executive" means the Cuyahoga County Executive.

(iv) "County Prosecutor" means the Prosecuting Attorney of the Issuer.

(v) "Director of Law" means the Director of Law of the Issuer.

(vi) "Developer Guaranty" means that certain Guaranty delivered to the Issuer jointly and severally by Scott A. Wolstein and Iris S. Wolstein, Trustee under a Trust Agreement originally dated October 26, 1995, as amended and restated under an Amended and Restated Trust Agreement dated July 24, 2004, as amended.

(vii) "Fee Mortgage" means that certain Open-End Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Filing made by the Port Authority for the benefit of the Issuer.

(viii) "Fiscal Officer" means the Cuyahoga County Fiscal Officer, including an interim or acting Fiscal Officer.

(ix) "Guaranteed Bond Service Charges" means, during a Guaranty Period, any interest on or scheduled principal (including mandatory sinking fund installments) of the Bonds remaining payable after the application thereof of all moneys in the Bond Fund.

(x) "Guaranty" means the Guaranty Agreement between the Issuer, the Borrower, and the Trustee, to be dated as of the same date as the Bonds, and as the same may be modified, amended or supplemented from time to time in accordance with its terms.

(xi) "Guaranty Period" means, as the case may be, the Initial Guaranty Period or any Subsequent Guaranty Period.

(xii) "Indenture" means that certain Trust Indenture by and between the Issuer and The Huntington National Bank, as trustee.

(xiii) "Initial Guaranty Period" means the calendar year 2014.

(xiv) "Issuer's Counsel" means the Issuer's outside legal counsel.

(xv) "Leasehold Mortgage" means that certain Open-End Leasehold Mortgage, Assignment of Rents, Security Agreement and Fixture Filing made by the Borrower or an affiliate of Borrower for the benefit of the Issuer.

(xvi) "Original Purchaser" means the "Original Purchaser" as set forth in the Private Placement Agreement.

(xvii) "Payment Date" means any Interest Payment Date or any date on which a scheduled payment of principal or of a mandatory sinking fund installment of the Bonds is due.

(xviii) "Subsequent Guaranty Period" means any calendar year subsequent to the Initial Guaranty Period during which any Bonds remain outstanding and for which all conditions precedent to the renewal of the Guaranty for such year set forth in Section 9 hereof have been met.

(b) All other capitalized terms used herein and those not otherwise defined herein shall have the respective meanings given to them in the Indenture with respect to the Bonds.

(c) Any reference herein to the Issuer, or to any officers or members thereof, shall include those which succeed to their functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing their functions.

(d) Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "hereby," "hereto," "hereunder," and similar terms, mean this Bond Resolution.

**SECTION 2. Determination of Issuer.** This Council hereby finds and determines, based on the information and representations provided by the Borrower and Bond Counsel, that the issuance of the Bonds for the purpose of financing the Series 2013 Project and execution of the Guaranty, in accordance with the terms set forth herein, is consistent with the purposes of the Constitution of the State and the Act and will benefit the people of the Issuer by creating or preserving jobs and employment opportunities and promoting the industrial, commercial and economic development of the Issuer and the State. Provision of the loan to assist in the financing of the Series 2013 Project will require the issuance, sale and delivery of the Bonds.

**SECTION 3. Authorization of Bonds.** It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Bonds, all in accordance with the provisions of the Loan Agreement between the Issuer and the Borrower (the "Loan Agreement"). The Bonds shall be designated "Taxable Economic Development Revenue Bonds, Series 2013 (Flats East Bank Phase II Project)."

**SECTION 4. Terms and Execution of the Bonds.** The Bonds shall be issued in the form and denominations, shall be numbered, dated and payable as provided in the Indenture. The Bonds shall mature no later than June 1, 2038, and have such terms, and be subject to mandatory and optional redemption as provided in the Indenture. The Bonds shall bear interest at the rate or rates, as provided in the Indenture. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for in full. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date. The Bonds shall be executed on behalf of the Issuer by the manual or facsimile signature of the Fiscal Officer and the County Executive. In case any officer whose signature or a facsimile thereof shall appear on the Bonds shall cease to be such officer 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 the officer had remained in office until after that time.

The form of the Bonds substantially in the form set forth in Exhibit A to the Indenture, subject to appropriate revisions in order to comply with the provisions of the Indenture, is hereby approved, and when the same shall be executed on behalf of the Issuer by the appropriate officer thereof in the manner contemplated hereby and by the

Indenture, in an aggregate principal amount of up to \$17,000,000, shall represent the approved form of the Bonds.

The Bonds initially shall be issued only in fully registered form as described in the Indenture.

**SECTION 5. Authorization of Indenture, Loan Agreement, Guaranty, Private Placement Agreement, and All Other Documents to be Executed by the Issuer.** To provide for the issuance and sale of the Bonds, and to better secure the payment of the principal of, and premium, if any, and interest on, the Bonds as the same shall become due and payable, the Fiscal Officer and the County Executive or the Fiscal Officer and the County Executive's Chief of Staff as the County Executive's designee pursuant to Executive Order No. 02011-0002, and each of them, is hereby authorized and directed to execute, acknowledge and deliver in the name and on behalf of the Issuer, the Indenture, the Guaranty, the Loan Agreement, the Bonds, the Private Placement Agreement, and such other agreements (collectively, the "Issuer Documents") in substantially the forms submitted to and approved, as appropriate by Issuer's Counsel, the County Prosecutor's Office and/or the Director of Law, with such changes requested and approved by, as appropriate, the Issuer's Counsel, the County Prosecutor's Office and/or the Director of Law, and any changes not materially inconsistent with this Bond Resolution and not adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer; provided, however, that any Issuer Document the form of which is not now on file with the Clerk shall be in substantially the form previously delivered by the Issuer in connection with the Issuer's issuance of taxable economic development revenue obligations of the type represented by the Bonds, with such changes as are necessary to reflect the terms of the Bonds and their sale as set forth in this Bond Resolution and the term sheet on file with the Issuer, which are not materially inconsistent with this Bond Resolution and not adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer. The approval of any changes by said officer, and that such are not adverse to the Issuer, shall be conclusively evidenced by the execution and delivery of such Issuer Documents by such officer.

Each of the Completion Guaranty, the Developer Guaranty, the Fee Mortgage and the Leasehold Mortgage, in substantially the forms submitted to and approved, as appropriate, by Issuer's Counsel, the County Prosecutor's office and/or the Director of Law, with such changes requested and approved, as appropriate, by the Issuer's Counsel, the County Prosecutor's office and/or the Director of Law, and any changes not materially inconsistent with this Bond Resolution and not adverse to the Issuer as may be permitted by the Act, is hereby approved.

The County Executive, the Chief of Staff as authorized designee of the County Executive, the Fiscal Officer, the County Prosecutor's office, the Director of Law and the Clerk are each hereby separately authorized to take any and all actions and to execute

such financing statements, assignments, certificates and other documents and instruments that may be necessary or appropriate in the opinion of Bond Counsel and Issuer's Counsel, in order to effect the issuance of the Bonds and the intent of this Bond Resolution, including taking all actions necessary to complete the sale of the Bonds under the "blue sky" laws of any jurisdiction; provided that the Issuer shall not be required to submit to service of process in connection with any such "blue sky" action in any state except the State. The Clerk, or other appropriate officer of the Issuer, shall certify a true transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of the Issuer as is necessary to determine the regularity and validity of the issuance of the Bonds.

**SECTION 6. Sale of Bonds.** The Fiscal Officer is hereby authorized to sell the Bonds to the Original Purchaser for a purchase price of not less than 96% of the aggregate principal amount of the Bonds, and with and upon such other terms as are required or authorized by this Resolution, in accordance with law, the provisions of this Resolution and the provisions of the Private Placement Agreement.

The County Executive, the Chief of Staff as authorized designee of the County Executive, the Clerk of this Council and the Fiscal Officer are each hereby authorized and directed to make the necessary arrangements with the Original Purchaser to establish the date, location, procedure and conditions for delivery of the Bonds to the Original Purchaser and to take all steps necessary to effect due execution, authentication and delivery to the Original Purchaser of the Bonds under the conditions of this Bond Resolution and the Indenture.

It is determined by this Council that the price for and the terms of the Bonds, and the sale thereof, all as provided in this Bond Resolution, the Private Placement Agreement, the Loan Agreement and the Indenture, are in compliance with all legal requirements.

**SECTION 7. Private Placement Memorandum.** The County Executive, the Fiscal Officer and other officials of the County, are authorized, on behalf of the Issuer and in their official capacities, to participate in the preparation of a preliminary Private Placement Memorandum and a final Private Placement Memorandum in connection with the original issuance of the Bonds.

**SECTION 8. Covenants of Issuer.** In addition to other covenants of the Issuer in this Bond Resolution, the Loan Agreement and the Indenture, the Issuer further covenants and agrees as follows:

(a) Payment of Principal, Premium and Interest. The Issuer will, solely from the Revenues or sources otherwise provided herein and in the Indenture, pay or cause to be paid the principal of, premium, if any, and interest on the Bonds on the dates,

at the places and in the manner provided herein, in the Indenture and in the Bonds, provided, however, that nothing in this Bond Resolution shall be deemed to prohibit the Issuer, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources for the payment of the principal of, premium, if any, and interest on the Bonds and the fulfillment of any other terms, conditions or obligations of the Indenture, this Bond Resolution or the Bonds.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Issuer Documents, and in all proceedings of the Issuer pertaining to the Bonds. The Issuer warrants and covenants based upon opinion of Bond Counsel and representations of the Borrower that the Issuer is, and upon delivery of the Bonds will be, duly authorized by the laws of the State of Ohio, including particularly and without limitation the Act, to issue the Bonds and to execute the Issuer Documents, and all other documents to be executed by it, to provide for the security for payment of the principal of, premium, if any, and interest on the Bonds in the manner and to the extent herein and in the Indenture set forth; that all actions on its part for the issuance of the Bonds and execution and delivery of the Issuer Documents, and all other documents to be executed by the Issuer in connection with the issuance of the Bonds, are binding upon each officer of the Issuer in his or her official capacity as may from time to time have the authority under the law to take such actions as may be necessary to perform all or any part of the duty required by such provision; and each duty of the Issuer and of its officers and employees undertaken pursuant to such proceedings for the Bonds is established as a duty of the Issuer and of each such officer and employee having authority to perform such duty, specifically enjoined by law and resulting from an office, trust or station within the meaning of Section 2731.01 of the Ohio Revised Code, providing for enforcement by writ of mandamus.

## **SECTION 9. Guaranty.**

(a) During the Initial Guaranty Period and any Subsequent Guaranty Period, the Issuer absolutely and unconditionally guarantees to the Trustee for the benefit of the holders of the Bonds the full and timely payment of Guaranteed Bond Service Charges. The obligation of the Issuer under the Guaranty shall not be secured by any pledge of tax revenue.

The Guaranty shall become effective as of its date, and the Initial Guaranty Period shall commence on January 1, 2014. The Initial Guaranty Period and the Guaranty shall terminate on December 31, 2014, unless renewed as set forth below. The amount of the appropriation required for the Guaranty during the Initial Guaranty Period shall be equal to the Guaranteed Bond Service Charges payable during such Guaranty Period. The Guaranty may be renewed in accordance with the terms and conditions set forth herein for Subsequent Guaranty Periods. If the right to renew is exercised, the Guaranty shall be a new Guaranty, and each such new Guaranty shall terminate on the

termination date of the applicable Subsequent Guaranty Period unless it terminates at an earlier date as hereinafter provided in this Section 9. If the Guaranty shall not have terminated previously, then the Guaranty shall terminate at such time as all Guaranteed Bond Service Charges are paid in full by Borrower or any other party on behalf of Borrower.

The Issuer shall be deemed to have exercised its right of renewal for each succeeding Subsequent Guaranty Period if, at or prior to the expiration of the then current Guaranty Period, the Issuer lawfully appropriates sufficient funds to permit the payment of all Guaranteed Bond Service Charges due during the next Subsequent Guaranty Period. The Fiscal Officer shall promptly certify each such appropriation to the Trustee, but no failure to make such certification shall negate the effect of a lawful and sufficient appropriation for the purpose of renewal of the Guaranty.

The Issuer hereby agrees and covenants that the Fiscal Officer shall include an appropriation of sufficient funds to permit the payment of all Guaranteed Bond Service Charges due within the next subsequent Guaranty Period in each annual update to such appropriations set forth in each biennial budget, resolution or ordinance, as the case may be, including without limitation, appropriation of sufficient funds to permit the payment of all Guaranteed Bond Service Charges due in calendar year 2014.

The Issuer currently has no reason to believe that legally available funds in an amount sufficient to pay Guaranteed Bond Service Charges due during each Guaranty Period, including without limitation, the Initial Guaranty Period, cannot be appropriated and obtained.

In the event no funds or insufficient funds are lawfully appropriated to permit the payment of Guaranteed Bond Service Charges due during a Guaranty Period, then the Issuer will immediately notify the Trustee of such occurrence. On the first day following the Payment Date on which the last Guaranteed Bond Service Charges could be paid in full from lawfully appropriated funds, the Guaranty shall terminate without penalty or expense to the Issuer of any kind whatsoever, except as to the portions of Guaranteed Bond Service Charges for Guaranty Periods in which sufficient funds had been lawfully appropriated, but subject to the provision of this Section 9 for reinstatement and renewal of the Guaranty.

If during any Guaranty Period, the Issuer lawfully appropriates sufficient funds to permit the payment of all Guaranteed Bond Service Charges due within a period less than the full term of a subsequent Guaranty Period, the Guaranty shall be deemed renewed for such shorter period and can be successively renewed for periods shorter than the full term of a Subsequent Guaranty Period. The Issuer shall be deemed to have exercised its right to renew for such a period shorter than a Subsequent Guaranty Period if, at or prior to the termination of the current Guaranty Period, there are lawfully appropriated funds enabling the payment of Guaranteed Bond Service Charges for such

shorter period. If the Guaranty is renewed for any period shorter than a Subsequent Guaranty Period, such shorter period shall terminate on the first day of the month following the last Payment Date on which there were funds lawfully appropriated to permit the payment of the Guaranteed Bond Service Charges then due in full.

If a Guaranty Period terminates without a renewal of the Guaranty for a succeeding Guaranty Period and if within thirty (30) days after such date of termination (a) there are lawfully appropriated funds which would have caused the Guaranty to be renewed if the appropriation had occurred prior to the termination of the Guaranty Period; and (b) the Fiscal Officer certifies that there is a balance in the appropriations, which balance is not obligated to pay existing obligations and is available to pay Guaranteed Bond Service Charges during the period for which funds have been lawfully appropriated for the payment thereof, then the Guaranty shall be reinstated and deemed renewed as of the day following the date of termination of the preceding Guaranty Period. If a Payment Date occurs during the period between the date of termination and date of reinstatement of the Guaranty, any Guaranty payment that would have been due on such Payment Date if the Guaranty had not been terminated shall become immediately due on the date the Guaranty is reinstated and shall be payable as soon thereafter as it is practicable for the Issuer to process payment.

(b) In consideration for the Issuer's execution and delivery of the Guaranty, Borrower shall pay the Issuer a fee of \$25,000 plus ten basis points of the amount of the issuance, simultaneously with the issuance and sale of the Bonds.

(c) Provided that the Guaranty has not been terminated and the Issuer has lawfully appropriated sufficient funds to permit the payment of all Guaranteed Bond Service Charges due within the next subsequent Guaranty Period, the Borrower shall agree under the Loan Agreement to repay or cause to be repaid to the Issuer from the Borrower's future Revenues any moneys paid to the Trustee pursuant to the Guaranty with interest and on such other terms and in such form as are consistent with Borrower's obligations under the Loan Agreement and the other related agreements securing the Bonds.

(d) The Indenture shall provide that the Revenues received under the Loan Agreement pledged to payment of the Bonds shall be applied to the following purposes in the following order: (i) provided that the Guaranty has not been terminated and the Issuer has lawfully appropriated sufficient funds to permit the payment of all Guaranteed Bond Service Charges due within the next subsequent Guaranty Period, to the repayment to the Issuer of any amounts paid by the Issuer under the Guaranty and not previously reimbursed to the Issuer, (ii) to the payment of Bond Service Charges on the Bonds; (iii) to the replenishment of the debt service reserve fund established under the Indenture securing the Bonds if such replenishment is necessary after a draw on such fund to restore its balance to the minimum amount required under that Indenture; and (iv) to such other purposes in such priority as shall be set forth in or pursuant to the Indenture.



Notwithstanding the foregoing, however, in the event the Guaranty has been terminated and the Issuer has not lawfully appropriated sufficient funds to permit the payment of all Guaranteed Bond Service Charges due within the next subsequent Guaranty Period, then the Indenture shall provide that the Revenues received under the Loan Agreement pledged to payment of the Bonds shall be applied to the following purposes in the following order: (i) to the payment of Bond Service Charges on the Bonds; (ii) to the replenishment of the debt service reserve fund established under the Indenture securing the Bonds if such replenishment is necessary after a draw on such fund to restore its balance to the minimum amount required under that Indenture; (iii) to the repayment to the Issuer of any amounts paid by the Issuer under the Guaranty and not previously reimbursed to the Issuer and (iv) to such other purposes in such priority as shall be set forth in or pursuant to the Indenture.

(e) The Guaranty shall include the Issuer's representation and warranty that:

(i) The Issuer has full power and authority to deliver, and to execute and perform its obligations under, the Guaranty and to enter into and carry out the transactions contemplated therein;

(ii) such execution, delivery and performance are not in contravention of any resolution of this Council, or any indenture, agreement or undertaking to which the Issuer is a party or by which it or any of its property is bound; and

(iii) the Guaranty has, by proper Council action, been duly authorized, executed and delivered by the Issuer, and all steps necessary have been taken to constitute the Guaranty, when executed and delivered, a valid and binding obligation of the Issuer enforceable in accordance with its terms.

**SECTION 10. No Personal Liability.** No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Bond Resolution, or in any Bond, or in the Issuer Documents, or under any judgment obtained against the Issuer 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 Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof, or for or to any holder of any Bond, or otherwise, of any sum that may be due and unpaid by the Issuer 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 Issuer or any receiver thereof, or for or to the owner or any holder of any Bond, 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 11. No Debt or Tax Pledge.** Anything in this Bond Resolution, the Indenture, the Loan Agreement, the Private Placement Agreement, the Guaranty, the Bonds or any other agreement or instrument to the contrary notwithstanding, neither this Bond Resolution, the Bonds, the Indenture, the Guaranty, the Loan Agreement, nor the Private Placement Agreement shall represent or constitute a debt or pledge of the faith and credit of or the taxing power of the Issuer, and each Bond shall contain on the face thereof a statement to that effect and to the effect that the Bonds shall be paid solely from the Revenues received pursuant to the Loan Agreement and otherwise in accordance with the Indenture.

**SECTION 12. Severability.** If any section, paragraph or provision of this Bond Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Bond Resolution.

**SECTION 13. Rescind.** Resolution No. R2013-0093 is hereby rescinded.

**SECTION 14. Effective Date.** It is necessary that this Bond Resolution become immediately effective for the usual daily operation of the Issuer and the reasons set forth in the preamble. Provided that this Bond Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (a) its approval by the County Executive through signature, (b) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (c) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 15. Compliance With Open Meeting Requirements.** This Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

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

Yeas:

Nays:

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

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

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

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

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_



3

**Item Details:**

<b>Agency/Dept. Name:</b>	Department of Development	<b>Agency/Dept. Head Name:</b>	Larry Benders, Director
<b>Type of Request:</b>	Other		
<b>Request Prepared by:</b>	Laura Clark	<b>Telephone No.</b>	698-2575

**SUMMARY OF REQUESTED ACTION:**

TITLE: Development/2013/Flats East Development LLC/Rescinding Resolution No. R2013-0093/Authorization and Issuance of Taxable Economic Development Revenue Bonds/Old River Road/Cleveland

A. Scope of Work

1. Department of Development and Porter Wright Morris and Arthur LLP requesting to rescind Resolution No. R2013-0093 and to authorize the issuance and sale of County of Cuyahoga, Taxable Economic Development Revenue Bonds, Series 2013 (Flats East Development LLC) in a principal amount not-to-exceed \$17 million for the purpose of assisting in the financing of a "Project" within the meaning of Chapter 165, Ohio Revised Code, paying capitalized interest and paying costs of issuance; providing for the pledge of non-tax revenues for the payment of such bonds; authorizing the Director of the Department of Development to execute documents, amendments, subordination agreements and other instruments and agreements, with such parties that may be required or appropriate to effectuate the bonds, and declaring the necessity that this Resolution become immediately effective.

2. The primary goal of this project is provide financing for the construction of Phase II of the Flats East Bank Neighborhood Redevelopment Project. The project will create up to 200, new to Cuyahoga County, jobs and will complete the redevelopment of 17 acres along the Cuyahoga River near the confluence with Lake Erie. The total project cost is \$130 million.

3. The project is mandated by ORC Chapter 165.

B. Procurement

The loan was considered by the Cuyahoga County Community Improvement Corporation on March 20, 2013. The Corporation recommends approval of the issuance.

C. Contractor and Project Information

1. Bond Proceeds Recipient

Flats East Development LLC  
1138 W. 9th Street, Second Floor  
Cleveland, Ohio 44113  
County Council District 7

2. Bond Counsel

Jennifer L. Strazzella  
Porter Wright Morris and Arthur LLP  
925 Euclid Avenue, Suite 1700  
Cleveland, Ohio 44115  
County Council District 7

3. Project Location

Old River Road  
Cleveland, Ohio

D. Project Status and Planning

The Department of Development has Economic Development Revenue Bonds for eligible projects that create employment opportunities and promote economic growth in the County.

E. Funding

Taxable Economic Development Revenue Bonds

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

Purpose: Flats East Development LLC changed legal counsel after issuance of Resolution No. R2013-0093. Current legal counsel, Porter Wright Morris and Arthur LLP, requested R2013-0093 be rescinded due to errors and inconsistencies.

Department of Development and Porter Wright Morris and Arthur LLP requesting restated resolution from County Council regarding authorization for issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2013 (Flats East Development LLC) in the amount not-to-exceed \$17 million for the purpose of assisting in the financing of a "Project" within the meaning of Chapter 165, Ohio Revised Code, paying capitalized interest and paying costs of issuance; providing for the pledge of non-tax revenues for the payment of such bonds; authorizing the Director of the Department of Development to execute documents, amendments, subordination agreements and other instruments and agreements, with such parties that may be required or appropriate to effectuate the bonds, and declaring the necessity that this Resolution become immediately effective.

**Explanation for late submittal:**

**Contract/Agreement Information:**

**Procurement Method:**

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

**Financial Information:**

<b>Funding source:</b>	<b>Explanation:</b>
Other	Private Activity Bonds
<b>Total Amount Requested:</b>	
\$17,000,000.00	

**ATTACHMENTS:**

Click to download

[Resolution - Amended & Restated](#)

**History**  
**Time**

**Who**  
Clerk of the Board

**Approval**

XXXXXXXXXXXXXXXXXXXXXXXXXXXX



# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0224

<p>Sponsored by: <b>County Executive FitzGerald/Department of Development</b></p>	<p><b>A Resolution</b> authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2013B (Westin Cleveland Hotel Project) in an aggregate principal amount not-to-exceed \$6,500,000.00 for the purpose of providing moneys to pay costs of a “Project” within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a cooperative agreement, a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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**WHEREAS**, the County of Cuyahoga, Ohio (the “County”), a county and political subdivision of the State of Ohio (the “State”), is authorized and empowered, by virtue of the laws of the State of Ohio, including, without limitation, Article VIII, Section 13 of the Ohio Constitution and Ohio Revised Code Chapter 165 (the “Act”), among other things, to issue its revenue bonds for the purpose of financing “projects” as defined in the Act, that create or preserve jobs and employment opportunities and improve the economic welfare of the people of the County and of the State; and

**WHEREAS**, the County has determined that it is necessary and desirable to issue its Taxable Economic Development Revenue Bonds, Series 2013B (Westin Cleveland Hotel Project) (the “Bonds”) to create and preserve jobs and employment opportunities and improve the economic welfare of the people of the County and the State, by providing funding for Optima 777, LLC to finance a project as defined in the Act consisting of the renovation and improvement of a 484-room hotel, adjacent parking and other necessary appurtenances (the “Project”), fund a reserve account and pay certain costs of issuance in connection with such Bonds; and

**WHEREAS**, the Cuyahoga County Community Improvement Corporation (the “CIC”) has certified to the County that the Project is in accordance with the plan for the industrial, commercial, distribution and research development of the County heretofore confirmed by the County pursuant to Ohio Revised Code Section 1724.10;

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

**SECTION 1. DEFINITIONS AND INTERPRETATION.** In addition to the words and terms elsewhere in this Resolution, unless the context or use clearly indicates another or different meaning or intent:

“*Act*” means Ohio Revised Code Chapter 165.

“*Authorized Denominations*” means the denomination of \$5,000 or any integral multiple thereof.

“*Bond Counsel*” means Benesch, Friedlander, Coplan & Aronoff, LLP.

“*Bond proceedings*” means, collectively, this Resolution, the Final Terms Certificate, the Bond Purchase Agreement, the Bond Registrar Agreement, the Continuing Disclosure Agreement and such other proceedings of the County, including the Bonds, that provide collectively for, among other things, the rights of registered owners of the Bonds.

“*Bond Purchase Agreement*” means the Bond Purchase Agreement between the County and the Original Purchaser authorized by this Resolution.

“*Bond Register*” means all the books and records necessary for the registration, exchange and transfer of the Bonds as provided in this Resolution and the Bond Registrar Agreement.

“*Bond Registrar*” means a bank or trust company authorized to do business in the State and designated by the Fiscal Officer in the Final Terms Certificate as the initial authenticating agent, bond registrar, transfer agent and paying agent until a successor Bond Registrar shall have become such pursuant to the provisions of this Resolution and the Bond Registrar Agreement and, thereafter, “*Bond Registrar*” shall mean the successor Bond Registrar.

“*Bond Registrar Agreement*” means the Bond Registrar Agreement between the County and the Bond Registrar as authorized by this Resolution.

“*Bond Service Charges*” means the principal (at stated maturity or by redemption), premium (if any) and interest required to be paid by the County on the Bonds.



“*Bond Service Fund*” means the Westin Cleveland Hotel Bond Service Fund, and the Bond Service Account and the Bond Reserve Account therein, authorized and established by this Resolution and any additional accounts created therein.

“*Bonds*” means the Taxable Economic Development Revenue Bonds, Series 2013B (Westin Cleveland Hotel Project) authorized by this Resolution.

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in Bonds and the Bond Service Charges on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued by the County only to a Depository or its nominee as registered owner, with the Bonds “immobilized” in the custody of the Depository. The book entry maintained by an entity other than the County is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

“*Brownfield Bonds*” means, collectively, the County’s Taxable Economic Development Revenue Refunding Bonds, Series 2004C (Brownfield Redevelopment Project) and Taxable Economic Development Revenue Bonds, Series 2010A (Brownfield Redevelopment Project), all issued pursuant to the Brownfield Indenture.

“*Brownfield Indenture*” means the Trust Indenture dated as of October 1, 1988, as amended by the First Supplemental Trust Indenture dated as of February 1, 2004 and the Second Supplemental Trust Indenture dated as of September 1, 2010, each between the County and the Brownfield Trustee.

“*Brownfield Revenues*” means the Project Revenues as defined in the Brownfield Indenture.

“*Brownfield Trustee*” means The Huntington National Bank, as trustee under the Brownfield Indenture, and its successors and assigns.

“*Charter*” means the Charter of the County.

“*City*” means the City of Cleveland, Ohio.

“*City Payments*” means the payments to be made by the City to the County pursuant to the Cooperative Agreement.

“*Clerk*” means the Clerk of the Council.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“*Code*” means the Internal Revenue Code of 1986, the 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 such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Commercial Redevelopment Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2010B (Commercial Redevelopment Fund Project), issued pursuant to the Commercial Redevelopment Indenture.

“*Commercial Redevelopment Indenture*” means the Trust Indenture dated as of September 1, 2010 between the County and the Commercial Redevelopment Trustee.

“*Commercial Redevelopment Revenues*” means the Project Revenues as defined in the Commercial Redevelopment Indenture.

“*Commercial Redevelopment Trustee*” means The Huntington National Bank, as trustee under the Commercial Redevelopment Indenture, and its successors and assigns.

“*Continuing Disclosure Agreement*” means, the Continuing Disclosure Agreement authorized by this Resolution.

“*Cooperative Agreement*” means the Cooperative Agreement by and among the County, the City and the Developer authorized by this Resolution.

“*Council*” means the County Council of the County.

“*County*” means the County of Cuyahoga, Ohio.

“*County Executive*” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Bonds and the Official Statement, County Executive includes the County Executive’s Chief of Staff as the County Executive’s designee pursuant to Executive Order No. 02011-0002.

“*Coverage Computation Period*” means the three most recent calendar years preceding the date of the certification required by Section 9(b).

“*Coverage Ratio*” means 150%.

“*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 beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Developer*” means Optima 777, LLC, a Delaware limited liability company.

“*Director of Law*” means the Director of Law of the County.

“*Fiduciary Fund*” means the Westin Cleveland Hotel Fiduciary Fund authorized and established by this Resolution.

“*Final Terms Certificate*” means the Final Terms Certificate authorized by this Resolution to be signed by the Fiscal Officer.

“*Fiscal Officer*” means the Fiscal Officer of the County, including an interim or acting Fiscal Officer.

“*Funds*” means, collectively, the Treasurer Account and the Bond Service Fund.

“*Gateway Bonds*” means, collectively, the County’s Taxable Economic Development Revenue Bonds, Series 1992A (Gateway Arena Project), Taxable Economic Development Revenue Refunding Bonds, Series 2004A (Gateway Arena Project) and Taxable Economic Development Revenue Refunding Bonds, Series 2010C (Gateway Arena Project), all issued pursuant to the Gateway Indenture.

“*Gateway Indenture*” means the Master Indenture dated as of September 15, 1992, as amended and supplemented by the First Supplemental Trust Indenture dated as of September 15, 1992, the Second Supplemental Trust Indenture dated as of September 15, 1992, the Third Supplemental Trust Indenture dated as of February 1, 1994, the Fourth Supplemental Trust Indenture dated as of February 1, 2004 and the Fifth Supplemental Trust Indenture dated as of September 1, 2010, each between the County and the Gateway Trustee.

“*Gateway Revenues*” means the Revenues as defined in the Gateway Indenture.

“*Gateway Trustee*” means The Bank of New York Mellon Trust Company, N.A., as trustee under the Gateway Indenture, and its successors and assigns.

“*Interest Payment Dates*” means June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2013 unless otherwise determined by the Fiscal Officer in the Final Terms Certificate.

“*Mandatory Redemption*” means the obligation to redeem Term Bonds as provided in Section 4(e)(i) and the Final Terms Certificate.

“*Medical Mart/Convention Center Bonds*” means, collectively, the County’s Recovery Zone Economic Development Revenue Bonds, Series 2010E (Medical Mart/Convention Center Project), Recovery Zone Facility Economic Development Revenue Bonds, Series 2010F (Medical Mart/Convention Center Project) and Taxable Economic Development Revenue Bonds, Series 2010G (Medical Mart/Convention Center Project), all issued pursuant to the Medical Mart/Convention Center Indenture.

“*Medical Mart/Convention Center Indenture*” means the Trust Indenture dated as of December 1, 2010 between the County and the Medical Mart/Convention Center Trustee.

“*Medical Mart/Convention Center Revenues*” means the Project Revenues as defined in the Medical Mart/Convention Center Indenture.

“*Medical Mart/Convention Center Trustee*” means U.S. Bank National Association as trustee under the Medical Mart/Convention Center Indenture, and its successors and assigns.

“*Nontax Revenues*” means all moneys of the County that are not raised by taxation, to the extent available for payment of Bond Service Charges on the Bonds, including, but not limited to the following: (a) charges for services and payments received in reimbursement for services; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures; (d) fees from properly imposed licenses and permits; (e) investment earnings on any funds of the County that are credited to the County’s General Fund; (f) proceeds from the sale of assets; (g) rental income; (h) grants from the United States of America and the State; (i) gifts and donations; and (j) Project Revenues; provided that Nontax Revenues do not include the Brownfield Revenues, the Commercial Redevelopment Revenues, the Gateway Revenues or Medical Mart/Convention Center Revenues.

“*Official Statement*” means, as appropriate, the preliminary official statement or the final official statement authorized by this Resolution.

“*Original Purchaser*” means Stifel, Nicolaus & Company, Incorporated.

“*Parity Obligations*” means, collectively, the Brownfield Bonds, the Commercial Redevelopment Bonds, the Gateway Bonds and the Medical Mart/Convention Center Bonds, and any bonds, notes or other obligations of or guaranties by the County secured by a pledge of the Nontax Revenues on a parity with or prior to the Bonds, except that such Parity Obligations shall not be secured by the Project Revenues.

“*Participant*” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

“*Principal Payment Dates*” means the Principal Payment Dates determined by the Fiscal Officer in the Final Terms Certificate.

“*Payment Dates*” means the Interest Payment Dates and the Principal Payment Dates.

“*Project*” means the renovation and improvement of a 448-room full service hotel, adjacent parking and other necessary appurtenances located a 777 St. Clair Avenue in the City of Cleveland.

“*Project Revenues*” means (a) the City Payments received by the County, (b) any money and investments on deposit in the Funds and (c) all income and profit from the investment of the foregoing.

“*Prosecuting Attorney*” means the Prosecuting Attorney of the County.

“*Register*” means all books and records necessary for the registration, exchange and transfer of Bonds as provided by this Resolution.

“*Rule*” means Rule 15c2-12 promulgated by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds, if any, designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

“*State*” means the State of Ohio.

“*Term Bonds*” means those Bonds designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

“*Treasurer Account*” means the Westin Cleveland Hotel Treasurer Account authorized and established by this Resolution.

**SECTION 2. DETERMINATIONS BY COUNCIL.** This Council finds and determines that the Project (i) based on the certification of the CIC, is a “project” as defined in the Act and is consistent with the purposes of Article VIII, Section 13 of the Ohio Constitution and (ii) will benefit the people of the County and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the County and the State.

**SECTION 3. AUTHORIZED PRINCIPAL AMOUNT AND PURPOSE; APPLICATION OF PROCEEDS.** It is necessary and determined to be in the County’s best interest to issue the Bonds in an aggregate principal amount not to exceed \$6,500,000 to pay costs of the Project, fund a reserve account and pay costs of the issuance of the Bonds. The aggregate principal amount of the Bonds to be issued to provide sufficient funds for those purposes (not to exceed \$6,500,000) shall be determined by the Fiscal Officer in the Final Terms Certificate. The Bonds shall be issued pursuant to this Resolution, the Final Terms Certificate, Article VIII, Section 13 of the Ohio Constitution and the Act. The proceeds from the sale of the Bonds received by the County shall be deposited into the Treasurer Account and shall be used

as provided in the Cooperative Agreement. The proceeds of the sale of the Bonds are appropriated for such purpose.

**SECTION 4. DENOMINATIONS; DATING; PRINCIPAL AND INTEREST PAYMENT AND REDEMPTION PROVISIONS.** The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as of the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates (computed on a twelve 30-day months/360-day year basis), as shall be determined by the Fiscal Officer in the Final Terms Certificate, subject to subsection (c) of this Section. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for in full. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature on the Principal Payment Dates determined by the Fiscal Officer in the Final Terms Certificate.

Consistent with the foregoing and in accordance with his determination of the best interest of and financial advantages to the County, the Fiscal Officer shall specify in the Final Terms Certificate (i) the aggregate principal amount of Bonds, to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Serial Bonds, if any, shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of the Bonds, to be issued as Term Bonds, if any, the Principal Payment Date or Dates on which those Term Bonds shall be stated to mature and the dates and amounts of Mandatory Redemption applicable to those Term Bonds.

(c) Condition for Establishment of Interest Rates. The net interest rate for the Bonds determined by taking into account the Principal Payment Dates and the principal amounts due on the Bonds (at stated maturity or by Mandatory Redemption) shall not exceed 9% per year.

(d) Payment of Bond Service Charges. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer

or the County Executive, in the name and on behalf of the County, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) *Mandatory Redemption.* If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to and redeemed pursuant to mandatory redemption on the Principal Payment Dates set forth in the Final Terms Certificate at a price equal to 100% of the principal amount of the Term Bonds to be redeemed.

The County shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Redemption for the Term Bonds so delivered. That option shall be exercised by the County on or before the 15th day preceding any Mandatory Redemption with respect to which the County wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the current or any subsequent Mandatory Redemption for the Term Bonds. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Redemption shall not be reduced. A credit against the then current or any subsequent Mandatory Redemption also shall be received by the County for any Term Bonds which prior thereto have been redeemed (other than by Mandatory Redemption) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Redemption for the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Redemption for the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) *Optional Redemption.* Certain maturities of Bonds may be subject to redemption by and at the sole option of the County, in whole or in part, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, all to be determined by the Fiscal Officer in the Final Terms Certificate provided that the redemption price shall not be greater than 103%.

Certain maturities of the Bonds may be subject to redemption by and at the sole option of the County, in whole or in part, on the dates, in the years and at a redemption price that will make the owner of such Bonds whole for the early redemption, all to be determined by the Fiscal Officer in the Final Terms Certificate.

If optional redemption of Term Bonds is to take place as of the date of any Mandatory Redemption applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed by operation of the Mandatory Redemption on that date. The Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Board by adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

There shall be deposited with the Bond Registrar on or prior to the redemption date, money that, in addition to any other money available therefore and held by the Bond Registrar, will be sufficient to redeem the Bonds for which notice of redemption has been given.

(iii) *Partial Redemption.* If fewer than all of the Bonds are called for optional redemption at one time, they shall be called as selected by, and in a manner determined by the County. If fewer than all Bonds of a single maturity are to be redeemed, the selection of the Bonds to be redeemed, or portions thereof in Authorized Denominations, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of partial redemption of Bonds by lot when Bonds in denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of a redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including accrued interest to the redemption date), and (ii) issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination in an aggregate principal amount equal to the unmatured and unredeemed portion, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) *Notice of Redemption.* The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the County by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register at the



close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) *Payment of Redeemed Bonds.* Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefore on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

**SECTION 5. SIGNING AND AUTHENTICATION OF BONDS; APPOINTMENT AND DUTIES OF BOND REGISTRAR.** The Bonds shall be signed by the Fiscal Officer and the County Executive, in the name of the County and in their official capacities, provided that any or all of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution.

The Bond Registrar Agreement now on file with the Clerk is approved. The Fiscal Officer and the County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Bond Registrar Agreement with any changes or amendments that are not inconsistent with this Resolution, are not materially adverse to the County, and are approved by the Fiscal Officer and the County Executive, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Fiscal Officer and the County Executive.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the

Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the County. The same person need not sign the certificate of authentication on all of the Bonds.

**SECTION 6. REGISTRATION; TRANSFER AND EXCHANGE; BOOK ENTRY SYSTEM.**

(a) Register. So long as any of the Bonds remain outstanding, the County will cause the Bond Registrar to maintain and keep at its designated corporate trust office, the Register. Except for purposes of the Continuing Disclosure Agreement, the person in whose name a Bond is registered on the Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of the Bond Service Charges on any Bond shall be made only to or upon the order of that person; neither the County nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the County's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at that office of the Bond Registrar, together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the County are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the County. In all cases of Bonds exchanged or transferred, the County shall provide for the signing and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the County and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The County or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the County, evidencing the same debt, and entitled to the same security

and benefit under the Bond proceedings, as the Bonds surrendered upon that exchange or transfer. Neither the County nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15<sup>th</sup> day preceding the mailing of notice by the Bond Registrar of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer and the Bond Registrar do not or are unable to do so, the Fiscal Officer and the Bond Registrar, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The Fiscal Officer and the Bond Registrar are hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the County, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the County.

**SECTION 7. SALE OF THE BONDS.** The Fiscal Officer is hereby authorized to sell the Bonds at a private sale to the Original Purchaser for a purchase price of not less than 95% of the aggregate principal amount of the Bonds, and with and upon such other terms as are required or authorized by this Resolution to be specified in the Final Terms Certificate, in accordance with law, the provisions of this Resolution and the Bond Purchase Agreement.

The Bond Purchase Agreement in the form now on file with the Clerk is approved. The Fiscal Officer and County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Bond Purchase Agreement with any changes or amendments that are not inconsistent with this Resolution, are not materially adverse to the County, and are approved by the Fiscal Officer and the County Executive, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Fiscal Officer and the County Executive.

The Fiscal Officer shall sign and deliver the Final Terms Certificate and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. Any member of this Council, the County Executive, the Clerk, the Fiscal Officer, the Prosecuting Attorney, the Director of Law and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

**SECTION 8. OFFICIAL STATEMENT, RATING, BOND INSURANCE AND CONTINUING DISCLOSURE.**

(a) Official Statement. The County Executive, the Fiscal Officer and other officials of the County are authorized, on behalf of the County and in their official capacities, to prepare or cause to be prepared a preliminary official statement in connection with the original issuance of the Bonds, and to determine and certify or otherwise represent when that preliminary official statement is to be “deemed final” (except for permitted omissions) for purposes of paragraph (b)(i) of the Rule and authorize the use and distribution of the preliminary official statement. Those officials are further authorized to modify and change the preliminary official statement in order for it to be a final official statement for purposes of paragraphs (b)(3) and (4) of the Rule and to certify or represent such, use and distribute the final official statement and modify, change or supplement the final official statement as necessary or desirable. The County Executive and the Fiscal Officer are further authorized to sign, on behalf of the County and in their official capacities, the final official statement.

(b) Application for Rating, Credit Enhancement or Bond Insurance. If, in the judgment of the Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally recognized rating agencies, or (ii) a policy of insurance or other credit enhancement facility from a company or companies to better assure the payment of the Bond Service Charges on the Bonds, is in the best interest of and financially advantageous to the County, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for that purpose, to determine whether to obtain such rating or policy, and to provide for the payment of the cost of obtaining each such rating or policy, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available

and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Fiscal Officer has taken such actions, those actions are hereby ratified and confirmed.

(c) Continuing Disclosure Agreement. For the benefit of the owners and beneficial owners from time to time of the Bonds, the County agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of the Rule.

The Continuing Disclosure Agreement in the form now on file with the Clerk is approved. The Fiscal Officer is authorized and directed to complete, sign and deliver, in the name and on behalf of the County, the Continuing Disclosure Agreement with such changes that are not inconsistent with this Resolution, are not materially adverse to the County, and are approved by the Fiscal Officer, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement by the Fiscal Officer.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the County with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing in accordance with the Continuing Disclosure Agreement or providing notice of the occurrence of any other events pursuant to the Continuing Disclosure Agreement, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Prosecuting Attorney, the Director of Law and bond or other qualified independent special counsel selected by the County. The Fiscal Officer, acting in the name and on behalf of the County, shall be entitled to rely upon any such legal advice in determining whether a filing should be made.

The performance by the County of its obligations pursuant to the Continuing Disclosure Agreement shall be subject to the appropriation of funds necessary for such performance.

**SECTION 9. SECURITY FOR THE BONDS; COVENANTS AND REPRESENTATIONS; COOPERATIVE AGREEMENT.**

(a) Special Obligations. The Bonds are special obligations of the County, and the Bond Service Charges are payable solely from the Nontax Revenues, and such payment is secured by a pledge of the Nontax Revenues. The County hereby covenants and agrees that it shall appropriate in its appropriation measure for each year the Bonds are outstanding Nontax Revenues in an amount sufficient to pay all Bond Service Charges due and payable in that year. The County further covenants and agrees that it shall deposit from time to time Nontax Revenues into the Bond Service Fund sufficient, together with amounts then on deposit in the Bond Service Fund, to pay the Bond Service Charges when due.

The payments due hereunder and under the Bonds are payable solely from Nontax Revenues, which Nontax Revenues are determined by this Council as money that is not raised by taxation. The Bonds are not secured by an obligation or pledge of any money raised by taxation. The Bonds do not and shall not represent or constitute a debt or pledge of the faith or credit or taxing power of the County, and the owners of the Bonds have no right to have taxes levied by the County for the payment of the Bond Service Charges.

Nothing herein shall be construed as requiring the County to use or apply to the payment of principal and interest on the Bonds any funds or revenues from any source other than Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Bonds.

(b) Covenant Regarding Parity Obligations. The County covenants that, so long as any of the Bonds are outstanding, it shall not issue any Parity Obligations unless prior to the enactment of legislation authorizing such Parity Obligations the Fiscal Officer shall have certified to this Council that the average Nontax Revenues during the Coverage Computation Period, adjusted to reflect, if appropriate or necessary, changes in the rates or charges resulting in the Nontax Revenues, will aggregate in amount not less than the Coverage Ratio of the highest amount due in any succeeding year of (i) Bond Service Charges and (ii) required payments on the proposed Parity Obligations and all outstanding Parity Obligations.

(c) Cooperative Agreement. The Cooperative Agreement on file with this Council is approved. The Fiscal Officer and the County Executive are authorized to sign and deliver, in the name and on behalf of the County, the Cooperative Agreement with any changes that are not inconsistent with this Resolution, are not materially adverse to the County and are approved by the Fiscal Officer and the County Executive, all of which shall be conclusively evidenced by the signing of the Cooperative Agreement by the Fiscal Officer and the County Executive. There is hereby created the Fiduciary Fund, the Treasurer Account and the Bond Service Fund, including the Bond Service Account and the Bond Reserve Account therein, in the custody of the Fiscal Officer. All Assigned Service Payments (as defined in the Cooperative Agreement) received by the County from the City shall be deposited into

the Bond Service Fund and used as provided in the Cooperative Agreement. Those Assigned Service Payments are appropriated and shall be used for such purpose. The performance by the County of any of its other obligations pursuant to the Cooperative Agreement shall be subject to the appropriation of funds necessary for such performance. The Fiscal Officer is authorized to create such accounts or subaccounts in the Fiduciary Fund, the Treasurer Account and the Bond Service Fund as the Fiscal Officer deems appropriate.

(d) Other Covenants. The County will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions to be performed on its part under this Resolution, the Continuing Disclosure Agreement, the Cooperative Agreement and the Bonds and under all proceedings of this Council pertaining thereto. The County represents that (i) it is, and upon delivery of the Bonds covenants that it will be, duly authorized by the Constitution and laws of the State including particularly and without limitation the Act, to issue the Bonds and to provide the security for payment of the Bond Service Charges in the manner and to the extent set forth herein and in the Bonds; (ii) all actions on its part for the issuance of the Bonds have been or will be taken duly and effectively; and (iii) the Bonds will be valid and enforceable special obligations of the County according to their terms. Each obligation of the County required to be undertaken pursuant to this Resolution and the Bonds is binding upon the County, and upon each officer or employee of the County as may from time to time have the authority under law to take any action on behalf of the County as may be necessary to perform all or any part of such obligation, as a duty of the County and of each of those officers and employee resulting from an office, trust or station within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

All books and documents in the County's possession relating to the Nontax Revenues shall be open at all times during the County's regular business hours to inspection by such accountants or other agents of the owners of the Bonds as the owners may from time to time designate.

The Clerk, or another appropriate officer of the County, shall furnish to the Original Purchaser a true transcript of proceedings, certified by that officer, of all proceedings had with reference to the issuance of the Bonds along with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

**SECTION 10. BOND COUNSEL.** This Council hereby retains Bond Counsel in connection with the authorization, sale, issuance and delivery of the Bonds. Payment for the services of Bond Counsel shall be a cost of the issuance of the Bonds to be paid from the proceeds from the sale of the Bonds. In providing its services, as an independent contractor and in an attorney-client relationship, Bond Counsel shall not exercise any administrative discretion on behalf of the County in the formation of public policy, expenditure of funds, enforcement of laws, rules and regulations of the State or the County, or of any other political subdivision of the State, or the execution of public trusts.

**SECTION 11. OTHER DETERMINATIONS.** This Council determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding special obligations of the County have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law.

**SECTION 12. EFFECTIVE DATE.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (i) its approval by the County Executive through signature, (ii) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Charter, or (iii) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 13. COMPLIANCE WITH OPEN MEETING REQUIREMENTS.** This Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

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

Yeas:

Nays:



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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

Journal \_\_\_\_\_  
\_\_\_\_\_, 2013

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0225

Sponsored by: <b>County Executive FitzGerald on behalf of Public Defender</b>	<b>A Resolution</b> authorizing a revenue generating agreement with City of Cleveland/Cleveland Municipal Court in the amount not-to-exceed \$1,804,656.00 for legal services for indigent persons for the period 1/1/2013 - 12/31/2013; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Public Defender recommends approval of a revenue generating agreement with the City of Cleveland/Cleveland Municipal Court in the amount not-to-exceed \$1,804.656.00 for legal services for indigent persons for the period 1/1/2013 – 12/31/2013; and

WHEREAS, the City of Cleveland, through the Cleveland Municipal Court is obligated to provide appointed counsel to indigent defendants in the Cleveland Municipal Court when such defendants are charged with violations of the City’s Ordinances, which violations may result in incarceration; and

WHEREAS, pursuant to ORC 120.14 (E), the County Public Defender Commission may contract with any municipal corporation, within the County served by the County Public Defender, for the County Public Defender to provide legal representation for indigent persons who are charged with a violation of the ordinances of the municipal corporation; and

WHEREAS, the Cuyahoga County Public Defender Commission has agreed to provide legal services necessary to defend indigents charged with violation of City Ordinances; and

WHEREAS, the term of the proposed agreement is for the period 1/1/2013 – 12/31/2013 with an option to renew for an additional one-year term commencing January, 2014; 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 entity.

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

**SECTION 1.** The County Council hereby approves the revenue generating agreement with the City of Cleveland/Cleveland Municipal Court in the amount not-to-exceed \$1,804.656.00 for legal services for indigent persons for the period 1/1/2013 – 12/31/2013.

**SECTION 2.** That the County Executive is authorized to execute all documents required in connection with said contract.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

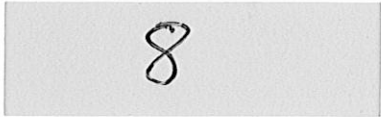
\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_



**Item Details:**

<b>Agency/Dept. Name:</b>	Public Defender	<b>Agency/Dept.Head Name:</b>	Robert L. Tobik
<b>Type of Request:</b>	Agreement/Amendment		
<b>Request Prepared by:</b>	Tammy Williams (3650)	<b>Telephone No.</b>	443-8388
<b>SUMMARY OF REQUESTED ACTION:</b>			
Request for approval of agreement between the City of Cleveland and the Cuyahoga County Public Defender Commission for one year. ( January 1, 2013-December 31, 2013 with one option to renew for an additional one-year term commencing January, 2014.) This agreement is a continuation of service from a preceeding agreement.			
<b>PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):</b>			
Our Municipal Division attorneys represent indigent clients in Municipal Court The representation was handled by contract until 2004, when our office incorporated the lawyers from Legal Aid and they became part of our office. Our office then took over representation of indigents in Municipal Court under this contract. They are paid by the county, through the Agreement with the City of Cleveland. They are an intergal part of our office			
<b>Explanation for late submittal:</b>			
Contract negotiations			

**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>
Other	

**Total Amount Requested:**  
revenue generating

**ATTACHMENTS:**

Click to download

[City of Cleveland Agreement 2013](#)

**History**

<b>Time</b>	<b>Who</b>	<b>Approval</b>
9/18/2013 12:15 PM	Clerk of the Board	Yes
9/19/2013 10:45 AM	Department of Law	Yes
9/20/2013 10:32 AM	Clerk of the Board	Yes
	Clerk of the Board	



# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0211

<p>Sponsored by: <b>County Executive FitzGerald/Department of Development</b></p> <p>Co-sponsored by: <b>Councilmember Germana</b></p>	<p><b>A Resolution</b> authorizing two Economic Development Redevelopment Ready Loans, each in the amount not-to-exceed \$1,000,000.00, to Parmatown Station LLC for asbestos abatement, partial demolition and renovations of property located at the southwest corner of Ridge and Ridgewood Roads, Parma; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loans and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Development has recommended two Economic Development Redevelopment Read Loans each in the amount not-to-exceed \$1,000,000.00; total not-to-exceed amount of \$2,000,000.00, to Parmatown Station LLC for asbestos abatement, partial demolition and renovations of property located at the Southwest corner of Ridge and Ridgewood Roads, Parma; and,

WHEREAS, the primary goals of this project are to conduct asbestos abatement, partial demolition and renovations to the former Parmatown Mall located at the southwest corner of Ridge and Ridgewood Roads in Parma for redevelopment as the Shoppes of Parma; and,

WHEREAS, this project will create fifteen (15) new full-time equivalent jobs through the renovations to the four-story medical office building and, the remainder of the project is anticipated to create up to 1,750 jobs; and,

WHEREAS, the total project costs are estimated at \$75,900,000.00 and the County will loan \$2,000,000.00. One of the loans has a fixed interest rate of 2% for ten years, and the second loan has a fixed interest rate of 4% for ten years; 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 entity.

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





First Reading/Referred to Committee: September 24, 2013  
Committee(s) Assigned: Economic Development & Planning

Additional Sponsorship Requested on the Floor: September 24, 2013

Committee Report/Second Reading: October 8, 2013

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0212

Sponsored by: <b>County Executive FitzGerald/Department of Development</b>	<b>A Resolution</b> authorizing an Economic Development Redevelopment and Modernization Loan in the amount not-to-exceed \$680,000.00 to Playhouse Square 1317 LLC for renovation of property located at 1317 Euclid Avenue, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Development has recommended an Economic Development Redevelopment and Modernization Loan in the amount no-to-exceed \$680,000.00 to Playhouse Square 1317 LLC for renovation of property located at 1317 Euclid Avenue, Cleveland; and,

WHEREAS, the primary goals of this project are to renovate additional floors of the building located at 1317 Euclid Avenue in Cleveland to facilitate the creation of additional lease space for Dwellworks; and,

WHEREAS, through the continued expansion of the business, this project is anticipated to create 39 new full-time equivalent jobs within three (3) years of project completion and these jobs must be maintained for ten (10) years; and,

WHEREAS, the total project costs are estimated at \$1,687,529.00 and the County will loan \$680,000.00 with an initial fixed interest rate of 1% over a ten (10) year term; 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 entity.

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

**SECTION 1.** That the Cuyahoga County Council hereby authorizes an Economic Development Redevelopment and Modernization Loan in the amount no-to-exceed \$680,000.00 to Playhouse Square 1317 LLC for renovation of property located at 1317 Euclid Avenue, Cleveland.



Committee Report/Second Reading: October 8, 2013

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0205

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</b>	<b>A Resolution</b> declaring that public convenience and welfare requires replacement of Akins Road Culvert 01.12 in the City of North Royalton; total estimated project cost \$490,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive FitzGerald/Department of Public Works/Division of County Engineer has recommended that public convenience and welfare requires the replacement of Akins Road Culvert 01.12 in the City of North Royalton; and

WHEREAS, the anticipated construction cost for this improvement is \$490,000.00; and

WHEREAS, that special assessments are not to be levied nor collected to pay for any part of the County's costs of this improvement; and

WHEREAS, this project will be funded as follows: (a) 60% from the County's Road and Bridge Fund and 40% from the City of North Royalton for the design work, and (b) 80% from the County's Road and Bridge Fund and 20% from the City of North Royalton for construction, and

WHEREAS, the primary goal of this project is to properly maintain the County's infrastructure for which the County is responsible; and

WHEREAS, this project is located in at Akins Road Culvert 01.12 in the City of North Royalton, Council District 5; and

WHEREAS, the anticipated start date for construction of this project is 2015; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue.



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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: September 24, 2013  
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC012  
October 8, 2013

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0206

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</b>	<b>A Resolution</b> declaring that public convenience and welfare requires replacement of Eastland Road Culvert 00.53 in the City of Middleburg Heights; total estimated project cost \$420,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; authorizing the County Executive to enter into an agreement of cooperation with said municipality in connection with said project; and declaring the necessity that this Resolution become immediately effective.
<b>Co-sponsored by: Councilmember Germana</b>	

WHEREAS, the County Executive FitzGerald/Department of Public Works/Division of County Engineer has recommended that public convenience and welfare requires the replacement of the Eastland Road Culvert 00.53 in the City of Middleburg Heights; and

WHEREAS, the anticipated construction cost for this improvement is \$420,000.00 of which \$60,000.00 is for the design work and \$360,000.00 for construction; and

WHEREAS, that special assessments are not to be levied nor collected to pay for any part of the County's costs of this improvement; and

WHEREAS, this project will be funded as follows: (a) 60% from the County's Road and Bridge Fund and 40% from the City of Middleburg Heights for the design work, and (b) 80% from the County's Road and Bridge Fund and 20% from the City of Middleburg Heights for construction, and

WHEREAS, the primary goal of this project is to properly maintain the County's infrastructure for which the County is responsible; and

WHEREAS, this project is located at Eastland Road Culvert 00.53 in the City of Middleburg Heights, Council District 4; and

WHEREAS, the anticipated start date for construction of this project is 2014; and



WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue.

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

**SECTION 1.** That the Cuyahoga County Council hereby declares public convenience and welfare requires the replacement the Eastland Road Culvert 00.53 in the City of Middleburg Heights.

**SECTION 2.** That special assessments are not to be levied nor collected to pay for any part of the County's cost of this improvement.

**SECTION 3.** That the County Executive is hereby authorized to enter into and execute an agreement of cooperation and any other documents with the City of Middleburg Heights in connection with this project.

**SECTION 4.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**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

First Reading/Referred to Committee: September 24, 2013  
Committee(s) Assigned: Public Works, Procurement & Contracting

Additional Sponsorship Requested on the Floor: September 24, 2013

Journal CC012  
October 8, 2013

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0207

<b>Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer</b>	<b>A Resolution</b> approving Right-of-Way plans as set forth in Plat No. 5017 for rehabilitation of various Highland Road Bridges over Euclid Creek in the City of Euclid; authorizing the County Executive through the Department of Public Works to acquire said necessary Rights-of-Way; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works/Division of County Engineer has recommended approval of the Right-of Way plans as set forth in Plat No. 5017 for the rehabilitation of various Highland Road Bridges over Euclid Creek in the City of Euclid; and,

WHEREAS, the various Highland Road Bridges over Euclid Creek in the City of Euclid are:

- 1) No. 156 (nka 00.13)
- 2) No. 157 (nka 00.31)
- 3) No. 158 (nka 00.54)
- 4) No. 226 (nka 00.64); and,

WHEREAS, Resolutions 070801, 070802, 070803 and 070804 were adopted on February 22, 2007 which declared that the public convenience and welfare required the rehabilitation of these various Highland Road Bridges; and,

WHEREAS, that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and,

WHEREAS, the current estimated construction cost is \$12,000,000.00, with 80% of eligible costs being funded with federal funds, and 20% being funded by the County (Road and Bridge Fund); and,

WHEREAS, the balance of the cost will be paid from the County's Road and Bridge Fund; 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 entity.

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

**SECTION 1.** That the Cuyahoga County Council hereby approves Right-of-Way plans as set forth in Plat No. 5017 for the rehabilitation of various Highland Road Bridges over Euclid Creek in the City of Euclid as set forth below:

- 1) No. 156 (nka 00.13)
- 2) No. 157 (nka 00.31)
- 3) No. 158 (nka 00.54)
- 4) No. 226 (nka 00.64).

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

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

**SECTION 4.** That all proceedings relative to Right-of-Way Plat No. 5017 are hereby ordered copied into the Road Record of the County by Department of Public Works and copied into all other proper records of the County by the Fiscal Officer as required by law.

**SECTION 5.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 6.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: September 24, 2013

Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC012  
October 8, 2013

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0208

Sponsored by: <b>County Executive FitzGerald/Department of Public Works and Medical Examiner</b>	<b>A Resolution</b> making an award on RQ27661 to Regency Construction Services, Inc. in the amount not-to-exceed \$2,467,000.00 for construction of the Cuyahoga County Crime Lab; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works and Medical Examiner has recommended an award on RQ27661 to Regency Construction Services, Inc. (34-13) in the amount not-to-exceed \$2,467,000.00 for construction of the Cuyahoga County Crime Lab; and

WHEREAS, County Council has determined that awarding RQ27661 to Regency Construction Services, Inc. is in the best interest of the County; 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 entity.

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

**SECTION 1.** That the Cuyahoga County Council hereby makes an award on RQ27661 to Regency Construction Services, Inc. (34-13) in the amount not-to-exceed \$2,467,000.00 for construction of the Cuyahoga County Crime Lab.

**SECTION 2.** That the County Executive is authorized to execute a contract in connection with said award and all documents consistent with this Resolution.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least



# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0209

<p>Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Division of County Engineer</b></p> <p>Co-sponsored by: <b>Councilmembers Germana, Jones and Miller</b></p>	<p><b>A Resolution</b> making an award on RQ27988 to Trafftech, Inc. in the amount not-to-exceed \$1,222,800.00 for striping in connection with the Countywide Preventative Maintenance Program for the period 10/1/2013 - 10/31/2014; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Public Works/Division of the County Engineer has recommended an award on RQ27988 to Trafftech, Inc. in the amount not-to-exceed \$1,222,800.00 for striping in connection with the Countywide Preventative Maintenance Program for the period 10/1/2013 – 10/31/2014; and,

WHEREAS, the intent of this project is to perform pavement striping on a task order basis throughout Cuyahoga County; and,

WHEREAS, this project is funded 100% by municipalities throughout Cuyahoga County; 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 entity.

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

**SECTION 1.** That the Cuyahoga County Council hereby makes an award on RQ27988 to Trafftech, Inc. in the amount not-to-exceed \$1,222,800.00 for striping in connection with the Countywide Preventative Maintenance Program for the period 10/1/2013 – 10/31/2014.

**SECTION 2.** That the County Executive is authorized to execute a contract in connection with said award and all documents consistent with this Resolution.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health,





# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0210

Sponsored by: <b>County Executive FitzGerald/Department of Public Works</b>	<b>A Resolution</b> authorizing a Continuation Agreement with County Commissioners Association of Ohio Service Corporation for participation in the Natural Gas Purchase Program for the period 1/1/2014 - 12/31/2019; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Public Works has submitted a continuation agreement with the County Commissioners Association of Ohio Service Corporation (“CCAOSC”) for participation in their Natural Gas Purchase Program for the period 1/1/2014 - 12/31/2019; and

WHEREAS, the Department of Public works request that the County authorize and approve the Department of Public Works’ Director to participate with the CCAOSC in order to create and adopt comprehensive guidelines for the funding, management, and administration of CCAOSC’s natural gas purchase program; and

WHEREAS, the Ohio Revised Code Section 9.48 allows political subdivisions to participate in joint purchasing program; and

WHEREAS, the reason that the Department of Public Works’ would like to continue participation in the Natural Gas Purchase Program to secures competitively price firm natural gas supplies for the County and its communities; and

WHEREAS, there is no cost for the County’s participation in the program; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue.

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

**SECTION 1.** That the Cuyahoga County Council authorizes a continuation agreement with the County Commissioners Association of Ohio Service Corporation (“CCAOSC”) for participation in their Natural Gas Purchase Program for the period 1/1/2014 - 12/31/2019.



First Reading/Referred to Committee: September 24, 2013  
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC012  
October 8, 2013

# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0213

<p>Sponsored by: <b>County Executive FitzGerald/Department of Development</b></p> <p>Co-sponsored by: <b>Councilmembers Miller, Jones and Gallagher</b></p>	<p><b>A Resolution</b> making awards to various municipalities in the total amount of \$1,050,000.00 for various municipal grant projects for the 2014 Community Development Block Grant Municipal Grant Program for the period 10/1/2013 - 9/30/2014; authorizing the County Executive to execute the agreements and all other documents consistent with said awards and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Development has recommended awards to various municipalities, each in the amount of \$150,000.00; total amount of \$1,050,000.00, for various municipal grant projects for the 2014 Community Development Block Grant (“CDBG”) Municipal Grant Program for the period 10/1/2013 – 9/30/2014; and,

WHEREAS, the participants of the 2014 CDBG Municipal Grant Program have been chosen from the fifty one (51) communities that are members of the Cuyahoga Urban County; and,

WHEREAS, each of those 51 communities are eligible to apply to receive a grant in an amount not-to-exceed \$150,000.00; and,

WHEREAS, the Department of Development reviews and analyzes each of the applications based on scoring criteria which evaluates participants based on project description, proposed project feasibility, and implementation plan; and,

WHEREAS, based on the scoring criteria, the following is a list of the municipal grant projects recommended for awards:

- a) City of Bedford in the amount of \$150,000.00 for the Ellenwood Community Center Renovation Project;
- b) City of Berea in the amount of \$150,000.00 for the North Rocky River Drive Corridor Improvement Project;

- c) City of Brook Park in the amount of \$150,000.00 for the West 147<sup>th</sup> and Elm Avenue Full Depth Concrete Repairs Project;
- d) City of Maple Heights in the amount of \$150,000.00 for the Neighborhood Infrastructure Improvement Project;
- e) City of Olmsted Falls in the amount of \$150,000.00 for the Olmsted Falls Senior Center Project;
- f) City of Warrensville Heights in the amount of \$150,000.00 for Clarkwood Area Streetlight Replacement Safety Project;
- g) Village of Glenwillow in the amount of \$150,000.00 for the Pergl Road Reconstruction Project; and,

WHEREAS, the awards are funded 100% from federal Community Development Block Grant Funds; 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 entity.

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

**SECTION 1.** That the Cuyahoga County Council hereby makes awards to various municipalities, each in the amount of \$150,000.00; total amount of \$1,050,000.00, for various municipal grant projects for the 2014 Community Development Block Grant (“CDBG”) Municipal Grant Program for the period 10/1/2013 – 9/30/2014 as follows:

- a) City of Bedford in the amount of \$150,000.00 for the Ellenwood Community Center Renovation Project;
- b) City of Berea in the amount of \$150,000.00 for the North Rocky River Drive Corridor Improvement Project;
- c) City of Brook Park in the amount of \$150,000.00 for the West 147<sup>th</sup> and Elm Avenue Full Depth Concrete Repairs Project;
- d) City of Maple Heights in the amount of \$150,000.00 for the Neighborhood Infrastructure Improvement Project;
- e) City of Olmsted Falls in the amount of \$150,000.00 for the Olmsted Falls Senior Center Project;



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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: September 24, 2013  
Committee(s) Assigned: Economic Development & Planning

Additional Sponsorship Requested on the Floor: September 24, 2013

Journal CC012  
October 8, 2013



# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0214

Sponsored by: <b>County Executive FitzGerald on behalf of County Prosecutor</b>	<b>A Resolution</b> authorizing a contract with Pointe Blank Solutions, Ltd. in the amount not-to-exceed \$1,800,000.00 for consultant services for the Case Management and Document Imaging System for the period 3/1/2013 - 2/28/2016; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive on behalf of the County Prosecutor has recommended a contract with Pointe Blank Solutions, Ltd. in the amount not-to-exceed \$1,800,000.00 for consultant services for the Case Management and Document Imaging System for the period 3/1/2013 – 2/28/2016; and

WHEREAS, County Council has determined that entering into a contract with Pointe Blank Solutions, Ltd. is in the best interest of the County; 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 entity.

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

**SECTION 1.** That the Cuyahoga County Council hereby authorizes a contract with Pointe Blank Solutions, Ltd. in the amount not-to-exceed \$1,800,000.00 for consultant services for the Case Management and Document Imaging System for the period 3/1/2013 – 2/28/2016.

**SECTION 2.** That the County Executive is authorized to execute a contract and all other documents consistent with this Resolution.

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of



# County Council of Cuyahoga County, Ohio

## Resolution No. R2013-0092

<p>Sponsored by: <b>County Executive FitzGerald/Department of Development</b></p> <p>Co-sponsored by: <b>Councilmember Jones</b></p>	<p><b>A Resolution</b> authorizing a Casino Revenue Fund Loan in the amount not-to-exceed \$3,684,650.00 to Playhouse Square District Development Corporation for streetscape improvements; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said loan and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Development has recommended a Casino Revenue Fund Loan in the amount not-to-exceed \$3,684,650.00 to Playhouse Square District Development Corporation for streetscape improvements; and

WHEREAS, the primary goal of this project is to assist in the \$16,000,000.00 streetscape improvement activities for the Playhouse Square area in Cleveland, Ohio; and

WHEREAS, this project will be funded from the Casino Tax Revenue Fund; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue.

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

**SECTION 1.** That the Cuyahoga County Council authorizes a Casino Revenue Fund Loan in the amount not-to-exceed \$3,684,650.00 to Playhouse Square District Development Corporation for streetscape improvements.

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

**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest

occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: May 14, 2013

Committee(s) Assigned: Economic Development & Planning

Additional Sponsorship Requested: September 18, 2013

Committee Report/Second Reading: September 24, 2013

Journal CC012  
October 8, 2013