



**AGENDA**  
**CUYAHOGA COUNTY COUNCIL REGULAR MEETING**  
**TUESDAY, SEPTEMBER 9, 2014**  
**CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS**  
**COUNCIL CHAMBERS – 4<sup>TH</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) August 26, 2014 Committee of the Whole Meeting (See Page 11)
  - b) August 26, 2014 Regular Meeting (See Page 13)
- 7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT**
- 8. MESSAGES FROM THE COUNTY EXECUTIVE**
- 9. LEGISLATION INTRODUCED BY COUNCIL**
  - a) **CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE**
    - 1) R2014-0217: A Resolution approving and concurring with amendments made to the Northeast Ohio Areawide Coordinating Agency (“NOACA”) Code of Regulations on

7/11/2014 as shown in NOACA Resolution Nos. 2014-033 and 2014-034, and declaring the necessity that this Resolution become immediately effective. (See Page 33)

Sponsors: Councilmembers Connally, Conwell and Germana

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

- 1) R2014-0204: A Resolution authorizing payments to Cuyahoga Community College and Cleveland State University, each in the amount of \$30,233.40, for scholarships for veterans residing in Cuyahoga County; authorizing the County Executive to negotiate and execute any necessary contract or other documents for same; and declaring the necessity that this Resolution become immediately effective. (See Page 113)

Sponsors: Councilmembers Greenspan, Hairston, Miller, Conwell, Schron and Brady

Committee Assignment and Chair: Finance & Budgeting – Miller

**c) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING**

- 1) O2014-0016: An Ordinance amending Section 106.06 of the Cuyahoga County Code to establish copying costs for public records. (See Page 116)

Sponsors: Councilmembers Miller, Conwell and Germana

Committee Assignment and Chair: Council Operations & Intergovernmental Relations – Greenspan

**d) CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING ADOPTION**

- 1) O2014-0024: An Ordinance setting the fee structure for Cuyahoga County Animal Shelter Dog Adoptions, and declaring the necessity that this Ordinance become immediately effective. (See Page 119)

Sponsors: Councilmembers Simon and Connally

## 10. LEGISLATION INTRODUCED BY EXECUTIVE

### a) CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

- 1) R2014-0218: A Resolution amending the 2014/2015 Biennial Operating Budget for 2014 by providing for an additional fiscal appropriation from the General Fund and other funding sources, in order to meet the budgetary needs of a County department; and declaring the necessity that this Resolution become immediately effective. (See Page 122)

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

- 2) R2014-0219: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW Region 2-B, Local 70, representing approximately 9 employees in the classification of Court Security Officer at the Sheriff's Department 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 127)

Sponsor: County Executive FitzGerald/Department of Law and County Sheriff

### b) CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) R2014-0220: A Resolution amending the 2014/2015 Biennial Operating Budget for 2014 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 130)

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

- 2) R2014-0221: A Resolution approving amendments to Amended and Restated Lease Agreement and Amended and Restated Sublease and Operating Agreement with Cuyahoga County Convention Facilities Development Corporation in connection with the Cleveland Convention Center and the Global Center for Health Innovation; authorizing the County Executive to execute the amendments 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

- 3) R2014-0222: A Resolution authorizing a revenue generating Utility Agreement with City of Highland Heights for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 3; 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 173)

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

- 4) R2014-0223: 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. (See Page 177)

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

**c) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING**

- 1) R2014-0211: A Resolution making an award on RQ27440 to MCPc, Inc. in the amount not-to-exceed \$337,951.20 for wireless infrastructure analysis, hardware and installation services for the period 6/1/2014 - 12/31/2016; 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 180)

Sponsor: County Executive FitzGerald/Department of Information Technology

Committee Assignment and Chair: Finance & Budgeting – Miller

**d) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES**

- 1) R2014-0206: A Resolution amending Resolution No. R2014-0052 dated 2/25/2014, which expressed support for the Cleveland 2016 Host Committee, Inc.'s efforts to secure a National Presidential Convention in Cleveland in 2016, to allow the use of certain County facilities on a rent-free basis as set forth in a County Service Agreement with Cleveland 2016 Host Committee, Inc. and SMG; and declaring the necessity that this Resolution become immediately effective. [Pending Committee Recommendation] (See Page 182)

Sponsor: County Executive FitzGerald

Committee Assignment and Chair: Committee of the Whole – Connally

- 2) R2014-0207: A Resolution amending Resolution No. R2014-0040 dated 4/22/2014, which authorized a Purchase and Sale Agreement with Playhouse Square Foundation for the sale of the Loew's Building, to clarify that the County is transferring all County-owned properties associated with the Loew's Building; authorizing the County Executive to execute all documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 186)

Sponsor: County Executive FitzGerald/Department of Public Works

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

- 3) R2014-0208: A Resolution making an award on RQ30449 to Cleveland Clinic Foundation in the amount of \$125,000.00 for the sale of County-owned property commonly known as the

former MetroHealth Clement Center, located at 2500 East 79<sup>th</sup> Street, Cleveland; authorizing the County Executive to execute the Purchase and Sale Agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. [Pending Committee Recommendation] (See Page 189)

Sponsor: County Executive FitzGerald/Department of Public Works

Committee Assignment and Chair: Committee of the Whole – Connally

- 4) R2014-0209: A Resolution authorizing an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12<sup>th</sup> Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014 to extend the time period to 9/30/2015, to change the scope of services, effective 7/31/2014 and 10/1/2014, and for additional funds in the amount not-to-exceed \$257,100.72; 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. (See Page 192)

Sponsor: County Executive FitzGerald/Department of Public Works

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

- 5) R2014-0210: A Resolution making an award on RQ31337 to Parsons Brinckerhoff, Inc. in the amount not-to-exceed \$2,808,412.00 for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project for the period 9/9/2014 - 12/31/2016; 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. [Pending Committee Recommendation] (See Page 195)

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

Committee Assignment and Chair: Committee of the Whole – Connally

- 6) R2014-0213: A Resolution authorizing amendments to contracts with various providers for operation of OhioMeansJobs|Cleveland-Cuyahoga County Service Centers for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective: (See Page 198)
- i) No. CE1300365-01 with Mature Services, Incorporated in the amount not-to-exceed \$321,450.00.
  - ii) No. CE1300366-01 with United Labor Agency, Inc. in the amount not-to-exceed \$2,415,500.00.

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

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

- 7) R2014-0214: A Resolution authorizing an amendment to Contract No. CE1300368-01 with United Labor Agency, Inc. for employer services for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds in the amount not-to-exceed \$1,400,000.00; 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. (See Page 201)

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

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

- 8) R2014-0216: A Resolution authorizing a contract with Starting Point in the amount not-to-exceed \$859,541.00 for administration of various initiatives of the Universal Pre-Kindergarten Program for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; 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 203)

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

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

**e) CONSIDERATION OF RESOLUTIONS FOR THIRD READING ADOPTION**

- 1) R2014-0199: A Resolution amending Resolution No. R2013-0201 dated 9/24/2013, which authorized an award to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, for the sale of tax lien certificates by removing the amount not-to-exceed \$25,000,000.00; authorizing the County Executive to execute all documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 205)

Sponsor: County Executive FitzGerald/Fiscal Officer/County Treasurer

- 2) R2014-0200: A Resolution establishing a list of certified providers for occupational skills training services for the Individual Training Account System for the period 7/1/2014 - 6/30/2016; authorizing the County Executive to execute the agreements and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective: (See Page 208)

- i) Academy of Court Reporting, Inc.
- ii) Ace Tutors
- iii) Allstate Hairstyling and Barber College
- iv) American Red Cross, Greater Cleveland Chapter
- v) Ashari's Healthcare, LLC
- vi) Ashland University



- vii) Associated Builders & Contractors, Inc.,  
Northern Ohio Chapter
- viii) ATS Institute of Technology
- ix) Auburn Career Center
- x) Baldwin Wallace University
- xi) Blossom 24 Hour We Care Center, Inc.
- xii) Brentley Insititute Inc., The
- xiii) Brown Aveda Institute
- xiv) Brown Mackie College – Akron
- xv) Bryant & Stratton College
- xvi) Case Western Reserve University
- xvii) Catholic Charities Community Services  
Corporation
- xviii) Chancellor University
- xix) Cleveland Industrial Training Center, Inc.
- xx) Cleveland Institute of Dental - Medical  
Assistants, Inc.
- xxi) Cleveland State University
- xxii) Compassions Training and Awareness Center  
Inc.
- xxiii) Cuyahoga Community College District
- xxiv) Cuyahoga Valley Career Center
- xxv) Great Lakes Truck Driving School, Inc.
- xxvi) Hamrick School
- xxvii) Hondros College
- xxviii) Inner State Beauty School
- xxix) Kent State University
- xxx) Lake County Community College District
- xxxi) Lakewood College
- xxxii) Lorain County Community College District
- xxxiii) Lorain County Joint Vocational School
- xxxiv) Med-Cert, Inc.
- xxxv) Miami-Jacobs Career College
- xxxvi) National College
- xxxvii) New Bridge Cleveland Center for Arts &  
Technology
- xxxviii) New Horizons Computer Learning Centers
- xxxix) Notre Dame College, The
- xl) OhioGuidestone
- xli) Ohio Technical College, Inc.
- xl ii) Phoenix Healthcare Institute, LLC
- xl iii) Polaris Career Center
- xl iv) Remington College
- xl v) Root-InfoTech dba American Logistics Group,  
Inc.

- xlvi) South University of Ohio LLC
- xlvii) University of Akron, The
- xlviii) Ursuline College
- xlix) Vatterott Educational Centers, Inc. dba  
Vatterott College
- l) Vocational Guidance Services
- li) Willoughby-Eastlake School of Practical Nursing

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

- 11. MISCELLANEOUS COMMITTEE REPORTS**
- 12. MISCELLANEOUS BUSINESS**
- 13. PUBLIC COMMENT UNRELATED TO AGENDA**
- 14. ADJOURNMENT**

NEXT MEETING

REGULAR MEETING:

TUESDAY, SEPTEMBER 23, 2014  
5:00 PM / COUNCIL CHAMBERS

*\*Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5<sup>th</sup> floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*



**MINUTES**  
CUYAHOGA COUNTY COMMITTEE OF THE WHOLE MEETING  
TUESDAY, AUGUST 26, 2014  
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS  
COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR  
3:00 PM

1. CALL TO ORDER

**The meeting was called to order by Council President Connally at 3:03 p.m.**

2. ROLL CALL

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

3. PUBLIC COMMENT RELATED TO AGENDA

**No public comments were given related to the agenda.**

4. PRESENTATION/DISCUSSION

- a) Hilton Cleveland Downtown Hotel Project Update - Jeffrey Appelbaum

**Mr. Jeffrey Appelbaum, representing Thompson Hine, LLC and Project Management Consultants, LLC, and Mr. Ellis Katz, representing Project Management Consultants, LLC, addressed Council regarding the Hilton Cleveland Downtown Hotel Project and provided information relating to the site plan, budget, construction, permits, labor, inclusion goals and schedule for completion for the project. Discussion ensued.**

**Councilmembers asked questions of Mr. Appelbaum and Mr. Katz pertaining to the item, which they answered accordingly.**

5. ITEM REFERRED TO COMMITTEE

- a) R2014-0191: A Resolution making an award on RQ30137 to Bray Whaler International in the amount not-to-exceed \$308,000.00 to arrange for the purchase, delivery and installation of certain furnishings, fixtures, operating supplies and equipment (“FF&E”) for use in the operation of the Hotel; authorizing Bray Whaler International to act as the County’s agent to purchase FF&E in the amount not-to-exceed \$25,000,000.00 for use in the operation of the Hotel; 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 project; and declaring the necessity that this Resolution become immediately effective.

**Clerk Schmotzer read Resolution No. R2014-0191 into the record.**

**On a motion by Mr. Gallagher with a second by Mr. Germana, Resolution No. R2014-0191 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.**

6. MISCELLANEOUS BUSINESS

**There was no miscellaneous business.**

7. PUBLIC COMMENT UNRELATED TO AGENDA

**No public comments were given unrelated to the agenda.**

8. ADJOURNMENT

**With no further business to discuss, Council President Connally adjourned the meeting at 4:34 p.m., without objection.**



## **MINUTES**

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, AUGUST 26, 2014  
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS  
COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR  
5:00 PM**

**1. CALL TO ORDER**

**The meeting was called to order by Council President Connally at 5:05 p.m.**

**2. ROLL CALL**

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

**3. PLEDGE OF ALLEGIANCE**

**The Pledge of Allegiance was recited.**

**4. SILENT MEDITATION**

**Council President Connally requested a moment of silent meditation be dedicated to the memory of the four young men who lost their lives at the Cuyahoga County Airport and their families.**

**5. PUBLIC COMMENT RELATED TO AGENDA**

**Reverend Pamela Pinkney Butts addressed Council regarding issues of concern to her relating to several agenda and non-agenda items.**

**6. APPROVAL OF MINUTES**

- a) August 12, 2014 Committee of the Whole Meeting
- b) August 12, 2014 Regular Meeting

**A motion was made by Mr. Schron, seconded by Ms. Conwell and approved by unanimous vote to approve the minutes of the August 12, 2014 Committee of the Whole and Regular meetings.**

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

- a) Presentation: Students of Promise/Closing the Achievement Gap Initiative - Bob Ivory, Program Director

**Council President Connally relinquished her time to Councilmember Jones, who introduced Mr. Bob Ivory, Program Director for the Students of Promise/Closing the Achievement Gap Initiative. Mr. Ivory then discussed the program and introduced Ms. Leslie Spain, a proud parent of son Ryan, who is a Student of Promise. Ms. Spain then addressed Council regarding her experiences with the program.**

8. MESSAGES FROM THE COUNTY EXECUTIVE

**There were no messages from the County Executive as he was absent from the meeting.**

9. LEGISLATION INTRODUCED BY COUNCIL

- a) CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE
  - 1) R2014-0204: A Resolution authorizing payments to Cuyahoga Community College and Cleveland State University, each in the amount of \$30,233.40, for scholarships for veterans residing in Cuyahoga County; authorizing the County Executive to negotiate and execute any necessary contract or other documents for same; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Councilmember Greenspan

**Council President Connally referred Resolution No. R2014-0204 to the Finance & Budgeting Committee.**

- b) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION 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 Resolution No. R2014-0184.**

- 1) R2014-0184: A Resolution confirming the County Executive's appointment of Cassi Handler to serve on the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County for an unexpired term ending 6/30/2016, and declaring the necessity that this Resolution 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. Gallagher, Resolution No. R2014-0184 was considered and adopted by unanimous vote.**

- c) CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR FOURTH READING ADOPTION

- 1) R2014-0160: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.01 and Article III, Section 3.03 of the Charter of Cuyahoga County modifying the residency requirements for the offices of County Executive and County Council; and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Miller, Conwell, Germana and Gallagher

**Mr. Schron introduced a proposed substitute to Resolution No. R2014-0160. Discussion ensued.**

**A motion was made by Mr. Schron and seconded by Mr. Brady to substitute Resolution No. R2014-0160. The motion failed by a roll-call vote of 3 yeas and 8 nays with Councilmembers Schron, Greenspan and Brady voting in the affirmative and Councilmembers Gallagher, Conwell, Jones, Hairston, Simon, Miller, Germana and Connally casting dissenting votes.**

**On a motion by Ms. Conwell with a second by Mr. Gallagher, Resolution No. R2014-0160 was considered and adopted by unanimous roll-call vote.**

- 2) R2014-0166: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.04 of the Charter of Cuyahoga County to provide for the holding of special elections to fill vacancies in the office of the County Executive; and declaring the necessity that this Resolution become immediately effective.

Sponsor: Councilmember Schron

**Mr. Miller introduced a proposed substitute to Resolution No. R2014-0166. Discussion ensued.**

**A motion was made by Mr. Miller and seconded by Mr. Schron to substitute Resolution No. R2014-0166. The motion failed by a roll-call vote of 5 yeas and 6 nays with Councilmembers Schron, Conwell, Greenspan, Miller and Germana voting in the affirmative and Councilmembers Gallagher, Jones, Hairston, Simon, Brady and Connally casting dissenting votes.**

**A motion was then made by Mr. Miller and seconded by Mr. Schron to adopt Resolution No. R2014-0166. The motion failed by a roll-call vote of 4 yeas and 7 nays with Councilmembers Schron, Conwell, Miller and Germana voting in the affirmative and Councilmembers Gallagher, Jones, Hairston, Simon, Greenspan, Brady and Connally casting dissenting votes.**

d) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING

- 1) O2014-0024: An Ordinance setting the fee structure for Cuyahoga County Animal Shelter Dog Adoptions, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Simon and Connally

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

**Clerk Schmotzer read Ordinance No. O2014-0024 into the record.**

**This item will move to the September 9, 2014 Council meeting agenda for consideration for third reading adoption.**

10. LEGISLATION INTRODUCED BY EXECUTIVE



a) 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. R2014-0205.**

- 1) R2014-0205: A Resolution amending the 2014/2015 Biennial Operating Budget for 2014 by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.

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

**A motion was made by Mr. Miller, seconded by Mr. Greenspan and approved by unanimous vote to amend Resolution No. R2014-0205 by removing item H from Section 1 and renumbering the remaining items.**

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2014-0205 was considered and adopted by unanimous vote, as amended.**

b) CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) R2014-0206: A Resolution amending Resolution No. R2014-0052 dated 2/25/2014, which expressed support for the Cleveland 2016 Host Committee, Inc.'s efforts to secure a National Presidential Convention in Cleveland in 2016, to allow the use of certain County facilities on a rent-free basis as set forth in a County Service Agreement with Cleveland 2016 Host Committee, Inc. and SMG; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald

**Council President Connally referred Resolution No. R2014-0206 to the Committee of the Whole.**

- 2) R2014-0207: A Resolution amending Resolution No. R2014-0040 dated 4/22/2014, which authorized a Purchase and Sale

Agreement with Playhouse Square Foundation for the sale of the Loew's Building, to clarify that the County is transferring all County-owned properties associated with the Loew's Building; authorizing the County Executive to execute all 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. R2014-0207 to the Public Works, Procurement & Contracting Committee.**

- 3) R2014-0208: A Resolution making an award on RQ30449 to Cleveland Clinic Foundation in the amount of \$125,000.00 for the sale of County-owned property commonly known as the Former MetroHealth Clement Center, located at 2500 East 79<sup>th</sup> Street, Cleveland; authorizing the County Executive to execute the Purchase and Sale 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. R2014-0208 to the Committee of the Whole.**

- 4) R2014-0209: A Resolution authorizing an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12<sup>th</sup> Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014 to extend the time period to 9/30/2015, to change the scope of services, effective 7/31/2014 and 10/1/2014, and for additional funds in the amount not-to-exceed \$257,100.72; 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.

Sponsors: County Executive FitzGerald/Department of Public Works

**Council President Connally referred Resolution No. R2014-0209 to the Public Works, Procurement & Contracting Committee.**

- 5) R2014-0210: A Resolution making an award on RQ31337 to Parsons Brinckerhoff, Inc. in the amount not-to-exceed \$2,808,412.00 for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project for the period 9/9/2014 - 12/31/2016; 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. R2014-0210 to the Committee of the Whole.**

- 6) R2014-0211: A Resolution making an award on RQ27440 to MCPc, Inc. in the amount not-to-exceed \$337,951.20 for wireless infrastructure analysis, hardware and installation services for the period 6/1/2014 - 12/31/2016; 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 Information Technology

**Council President Connally referred Resolution No. R2014-0211 to the Finance & Budgeting Committee.**

- 7) R2014-0212: A Resolution authorizing an agreement with City of Cleveland in the amount not-to-exceed \$3,000,000.00 for cellular 9-1-1 Public Safety Answering Point services originating in the City of Cleveland for the period 8/18/2014 - 8/17/2019; 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 Safety and Justice Services/Office of Emergency Management/ Cuyahoga Emergency Communications System

**Council President Connally referred Resolution No. R2014-0212 to the Public Safety & Justice Affairs Committee.**

- 8) R2014-0213: A Resolution authorizing amendments to contracts with various providers for operation of OhioMeansJobs|Cleveland-Cuyahoga County Service Centers for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:
- i) No. CE1300365-01 with Mature Services, Incorporated in the amount not-to-exceed \$321,450.00.
  - ii) No. CE1300366-01 with United Labor Agency, Inc. in the amount not-to-exceed \$2,415,500.00.

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

**Council President Connally referred Resolution No. R2014-0213 to the Education, Environment & Sustainability Committee.**

- 9) R2014-0214: A Resolution authorizing an amendment to Contract No. CE1300368-01 with United Labor Agency, Inc. for employer services for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds in the amount not-to-exceed \$1,400,000.00; 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.

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

**Council President Connally referred Resolution No. R2014-0214 to the Education, Environment & Sustainability Committee.**

- 10) R2014-0215: A Resolution authorizing an amendment to Contract No. CE1300411-01 with ResCare Workforce Services for a Work Experience Program for Ohio Works First cash recipients for the period 10/1/2013 - 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$1,449,279.00; 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 Health and Human Services/Cuyahoga Job and Family Services

**Council President Connally referred Resolution No. R2014-0215 to the Health, Human Services & Aging Committee.**

- 11) R2014-0216: A Resolution authorizing a contract with Starting Point in the amount not-to-exceed \$859,541.00 for administration of various initiatives of the Universal Pre-Kindergarten Program for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; 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/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood

**Council President Connally referred Resolution No. R2014-0216 to the Education, Environment & Sustainability Committee.**

c) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING

- 1) R2014-0199: A Resolution amending Resolution No. R2013-0201 dated 9/24/2013, which authorized an award to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, for the sale of tax lien certificates by removing the amount not-to-exceed \$25,000,000.00; authorizing the County Executive to execute all documents consistent with 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

**Clerk Schmotzer read Resolution No. R2014-0199 into the record.**

**This item will move to the September 9, 2014 Council meeting agenda for consideration for third reading adoption.**

2) R2014-0200: A Resolution establishing a list of certified providers for occupational skills training services for the Individual Training Account System for the period 7/1/2014 - 6/30/2016; authorizing the County Executive to execute the agreements and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

- i) Academy of Court Reporting, Inc.
- ii) Ace Tutors
- iii) Allstate Hairstyling and Barber College
- iv) American Red Cross, Greater Cleveland Chapter
- v) Ashari's Healthcare, LLC
- vi) Ashland University
- vii) Associated Builders & Contractors, Inc., Northern Ohio Chapter
- viii) ATS Institute of Technology
- ix) Auburn Career Center
- x) Baldwin Wallace University
- xi) Blossom 24 Hour We Care Center, Inc.
- xii) Brentley Insititute Inc., The
- xiii) Brown Aveda Institute
- xiv) Brown Mackie College – Akron
- xv) Bryant & Stratton College
- xvi) Case Western Reserve University
- xvii) Catholic Charities Community Services Corporation
- xviii) Chancellor University
- xix) Cleveland Industrial Training Center, Inc.
- xx) Cleveland Institute of Dental - Medical Assistants, Inc.
- xxi) Cleveland State University
- xxii) Compassions Training and Awareness Center Inc.

- xxiii) Cuyahoga Community College District
- xxiv) Cuyahoga Valley Career Center
- xxv) Great Lakes Truck Driving School, Inc.
- xxvi) Hamrick School
- xxvii) Hondros College
- xxviii) Inner State Beauty School
- xxix) Kent State University
- xxx) Lake County Community College District
- xxxi) Lakewood College
- xxxii) Lorain County Community College District
- xxxiii) Lorain County Joint Vocational School
- xxxiv) Med-Cert, Inc.
- xxxv) Miami-Jacobs Career College
- xxxvi) National College
- xxxvii) New Bridge Cleveland Center for Arts & Technology
- xxxviii) New Horizons Computer Learning Centers
- xxxix) Notre Dame College, The
- xl) OhioGuidestone
- xli) Ohio Technical College, Inc.
- xl ii) Phoenix Healthcare Institute, LLC
- xl iii) Polaris Career Center
- xl iv) Remington College
- xl v) Root-InfoTech dba American Logistics Group, Inc.
- xl vi) South University of Ohio LLC
- xl vii) University of Akron, The
- xl viii) Ursuline College
- xl ix) Vatterott Educational Centers, Inc. dba Vatterott College
- l) Vocational Guidance Services
- li) Willoughby-Eastlake School of Practical Nursing

Sponsors: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3

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

**Clerk Schmotzer read Resolution No. R2014-0200 into the record.**

**This item will move to the September 9, 2014 Council meeting agenda for consideration for third reading adoption.**

d) 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. R2014-0191, R2014-0192, R2014-0193, R2014-0194, R2014-0195, R2014-0196, R2014-0197, R2014-0198, R2014-0201, R2014-0202 and R2014-0203.**

- 1) R2014-0191: A Resolution making an award on RQ30137 to Bray Whaler International in the amount not-to-exceed \$308,000.00 to arrange for the purchase, delivery and installation of certain furnishings, fixtures, operating supplies and equipment (“FF&E”) for use in the operation of the Hotel; authorizing Bray Whaler International to act as the County’s agent to purchase FF&E in the amount not-to-exceed \$25,000,000.00 for use in the operation of the Hotel; 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 project; and declaring the necessity that this Resolution become immediately effective. [Pending Committee Recommendation]

Sponsor: County Executive FitzGerald/Department of Public Works

Committee Assignment and Chair: Committee of the Whole – Connally

**[Clerk’s note: Resolution No. R2014-0191 received Committee recommendation for consideration for second reading adoption under suspension of rules.]**

**On a motion by Mr. Gallagher with a second by Mr. Germana, Resolution No. R2014-0191 was considered and adopted by unanimous vote.**

- 2) R2014-0192: A Resolution amending the boundaries of County Sewer District No. 17 to add the remaining municipal boundaries of the City of Cleveland Heights, in accordance with Ohio Revised Code Sections 6117.01 and 6117.03; 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 Mr. Germana, Resolution No. R2014-0192 was considered and adopted by unanimous vote.**

- 3) R2014-0193: A Resolution fixing the 2015 water, storm and sanitary sewer maintenance and/or sewerage treatment rates for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; 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**

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

**A motion was made by Mr. Jones, seconded by Mr. Germana and approved by unanimous vote to amend Resolution No. R2014-0193 by changing the rates from \$2.50 to \$0.00 for Sanitary Sewers and \$2.50 for Storm Sewers for Highland Hills located in Sewer Area No. 5.**

**On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2014-0193 was considered and adopted by unanimous vote, as amended.**

- 4) R2014-0194: A Resolution approving and confirming the 2015 water, storm and sanitary sewer maintenance and/or sewerage treatment assessments for County Sewer District Nos. 1, 1A, 2, 3, 5, 8, 9, 13, 14, 18, 20, 21, 22 and 24, in accordance with Ohio Revised Code Section 6117.02; 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**

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

**On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2014-0194 was considered and adopted by unanimous vote.**

- 5) R2014-0195: A Resolution declaring that public convenience and welfare requires replacement of Lewis Road Culvert No. 13 in Olmsted Township; total estimated project cost \$582,000.00; finding that special assessments will neither be levied nor collected to pay for any part of the County's costs of said improvement; and declaring the necessity that this Resolution become immediately effective.

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

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

**On a motion by Mr. Jones with a second by Mr. Gallagher, Resolution No. R2014-0195 was considered and adopted by unanimous vote.**

- 6) R2014-0196: A Resolution authorizing the appropriation of real property in connection with right-of-way plans as set forth in Plat No. M-5012 for the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township; directing the County Executive to proceed with the acquisition of real property required for public highway purposes; authorizing the Fiscal Officer to issue the monetary warrant to be deposited with the Probate Court of Cuyahoga County in an amount that is equal to the fair market value of the property; and declaring the necessity that this Resolution become immediately effective:

- i) Parcel No(s): 2-WD  
Owner(s): HPCP I, LLC, an Ohio limited liability company  
Approved Appraisal (Fair Market Value Estimate): \$850,500.00
- ii) Parcel No(s): 9-WD & T  
Owner(s): G. & D. Moyse  
Approved Appraisal (Fair Market Value Estimate): \$3,500.00

- iii) Parcel No(s): 12-S & T  
 Owner(s): Pearl Road Mini Storage, Inc. aka Pearl Plaza Mini Storage, Inc., an Ohio Corporation  
 Approved Appraisal (Fair Market Value Estimate): \$5,500.00
- iv) Parcel No(s): 22-T  
 Owner(s): R.T. Gilchrist  
 Approved Appraisal (Fair Market Value Estimate): \$350.00
- v) Parcel No(s): 23-T  
 Owner(s): T.J.A. & J.Q. Cooley  
 Approved Appraisal (Fair Market Value Estimate): \$450.00
- vi) Parcel No(s): 26-WD, S & T  
 Owner(s): G.E., D. & G. Moyse  
 Approved Appraisal (Fair Market Value Estimate): \$2,350.00
- vii) Parcel No(s): 29-S & T  
 Owner(s): G.J. Moyse  
 Approved Appraisal (Fair Market Value Estimate): \$700.00
- viii) Parcel No(s): 31-S, S1 & T  
 Owner(s): TC Pinnacle Properties, Ltd., an Ohio limited liability company  
 Approved Appraisal (Fair Market Value Estimate): \$1,450.00
- ix) Parcel No(s): 41-WD, S & T  
 Owner(s): P.W. Oberc  
 Approved Appraisal (Fair Market Value Estimate): \$400.00
- x) Parcel No(s): 54-S & T  
 Owner(s): E.C. & R.L. Siwek  
 Approved Appraisal (Fair Market Value Estimate): \$450.00

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

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

**A motion was made by Mr. Jones, seconded by Mr. Gallagher and approved by unanimous vote to amend Resolution No. R2014-0196 by removing item 8 relating to Parcel No(s): 31-S, S1 & T from the first Whereas clause and Section 1 and renumbering the remaining items.**

**On a motion by Mr. Jones with a second by Mr. Gallagher, Resolution No. R2014-0196 was considered and adopted by unanimous vote, as amended.**

- 7) R2014-0197: A Resolution authorizing an amendment to Contract No. CE0800631-01 with Michael Baker Jr., Inc. for consultant engineering services for construction of Stage 3 of the Towpath Trail Extension from Steelyard Commons to Tremont Trailhead for additional funds in the amount not-to-exceed \$2,044,567.00; 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.

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

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

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2014-0197 was considered and adopted by unanimous vote.**

- 8) R2014-0198: A Resolution authorizing an amendment 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 \$714,577.66; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; authorizing the County Engineer, on behalf of the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$71,457.77 to fund said amendment; and declaring the necessity that this Resolution become immediately effective.

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

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

**On a motion by Mr. Jones with a second by Ms. Conwell, Resolution No. R2014-0198 was considered and adopted by unanimous vote.**

9) R2014-0201: A Resolution authorizing amendments to various agreements with Cleveland Municipal School District for Universal Pre-Kindergarten services for the Invest in Children Program for the period 8/22/2012 - 7/31/2014 to extend the time period to 7/31/2015, to change the terms, effective 8/1/2014, and for additional funds; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective:

i) No. AG1200340-01 with Marion-Sterling Elementary School in the amount not-to-exceed \$48,365.32.

ii) No. AG1200341-01 with Tremont Montessori School in the amount not-to-exceed \$91,211.33.

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

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

**On a motion by Ms. Simon with a second by Mr. Miller, Resolution No. R2014-0201 was considered and adopted by unanimous vote.**

10) R2014-0202: A Resolution authorizing an agreement with Cleveland Municipal School District – Franklin D. Roosevelt Elementary School in the amount not-to-exceed \$35,884.80 for Universal Pre-Kindergarten services for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; 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.

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 – Simon

**On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2014-0202 was considered and adopted by unanimous vote.**

- 11) R2014-0203: A Resolution authorizing an amendment to Master Contract No. CE1300268-01 for residential treatment services for the period 2/1/2013 - 1/31/2015 to change the total amount not-to-exceed from \$3,850,000.00 to \$6,950,000.00, to authorize funding decreases and/or increases with various previously approved providers and to terminate Contract No. CE1300268-05 with Catholic Charities Corporation dba Parmadale, effective 3/1/2014; 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.

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

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

**On a motion by Mr. Gallagher with a second by Mr. Miller, Resolution No. R2014-0203 was considered and adopted by unanimous vote.**

- e) COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION FOR SECOND READING AND REFERRAL TO COMMITTEE

- 1) R2014-0073: A Resolution authorizing a revenue generating Underlying Agreement with City of Cleveland in the minimum amount of \$2,365,658.95 per annum for operation of jail services for City Prisoners, effective 6/1/2014; authorizing a Lease in connection with said agreement in the amount not-to-exceed \$1.00 per annum for use of the City's Central Prison Unit located at 1300 Ontario Street, 6<sup>th</sup> Floor, Cleveland; 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.

Sponsors: County Executive FitzGerald/County Sheriff and Councilmember Hairston

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

**Council President Connally referred Resolution No. R2014-0073 to the Public Safety & Justice Affairs Committee.**

f) CONSIDERATION OF ORDINANCES FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) O2014-0026: An Ordinance enacting Title 13, Chapter 1301 of the Cuyahoga County Code to establish the Cuyahoga County Consumer Protection Code, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Fiscal Officer/ Department of Consumer Affairs

**Council President Connally referred Ordinance No. O2014-0026 to the Education, Environment & Sustainability Committee.**

- 2) O2014-0027: An Ordinance enacting Title 13, Chapter 1302 of the Cuyahoga County Code to establish the Cuyahoga County Weights and Measures Code, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Fiscal Officer/ Department of Consumer Affairs

**Council President Connally referred Ordinance No. O2014-0027 to the Education, Environment & Sustainability Committee.**

g) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE 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. O2014-0025.**

- 1) O2014-0025: An Ordinance enacting Chapter 718 of the Cuyahoga County Code to enact the Cuyahoga County Financial Transaction Modernization Act governing the use of financial transaction devices by County entities for payment of County expenses, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Law

Committee Assignment and Chair: Finance & Budgeting – Miller

**On a motion by Mr. Miller with a second by Ms. Conwell, Ordinance No. O2014-0025 was considered and adopted by unanimous vote.**

#### 11. MISCELLANEOUS COMMITTEE REPORTS

**Mr. Greenspan reported that the Council Operations & Intergovernmental Relations Committee will meet on Monday, September 15, 2014 at 9:00 a.m.**

**Mr. Miller reported that the Finance & Budgeting Committee will meet on Tuesday, September 2, 2014 at 9:30 a.m.**

**Mr. Brady reported that the Health, Human Services & Aging Committee will meet on Wednesday, September 17, 2014 at 1:00 p.m.**

**Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, September 3, 2014 at 11:00 a.m.**

**Ms. Simon reported that the Education, Environment & Sustainability Committee will meet on Wednesday, September 3, 2014 at 9:30 a.m.**

#### 12. MISCELLANEOUS BUSINESS

**There was no miscellaneous business.**

#### 13. PUBLIC COMMENT UNRELATED TO AGENDA

**Rev. Pamela Pinkney Butts addressed Council regarding issues of concern to her relating to mass incarceration matters.**

#### 14. ADJOURNMENT

**With no further business to discuss, Council President Connally adjourned the meeting at 6:42 p.m., without objection.**



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0217

Sponsored by: <b>Councilmembers Connally, Conwell 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 7/11/2014 as shown in NOACA Resolution Nos. 2014-033 and 2014-034, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on July 11, 2014 the governing board of NOACA adopted the NOACA Board Resolution Nos. 2014-033 and 2014-034 to amend the NOACA Code of Regulations; 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; and

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 July 11, 2014, as shown in NOACA Resolution Nos. 2014-033 and 2014-034.

**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





**2014 NOACA BOARD OF DIRECTORS**

**President**

Mary E. Samide, Commissioner  
Geauga County Board of Commissioners

**First Vice President**

Ted Kalo, Commissioner  
Lorain County Board of Commissioners

**Second Vice President**

Daniel P. Troy, Commissioner  
Lake County Board of Commissioners

**Secretary**

Adam Friedrick, Commissioner  
Medina County Board of Commissioners

**Assistant Secretary**

Robert E. Aufuldish, Commissioner  
Lake County Board of Commissioners

**Assistant Secretary**

Kathleen Scheutow, Trustee  
Brunswick Hills Township

**Treasurer**

Edward O. FitzGerald, County Executive  
Cuyahoga County

**Assistant Treasurer**

Julius Ciacca, Jr., Executive Director  
N. E. Ohio Regional Sewer District

**Assistant Treasurer**

John D. Hunter, Mayor  
Sheffield Village

**(Immediate Past President)**

Valerie J. McCall, Chief of Government &  
International Affairs, City of Cleveland

Samuel J. Alai, Mayor  
City of Broadview Heights

Tanisha R. Briley, City Manager  
City of Cleveland Heights

Holly Brinda, Mayor  
City of Elyria

Freddy Collier, Jr., Citywide Plan Project Manager  
City of Cleveland

Joseph A. Calabrese  
GCRTA General Manager/CEO

Kenneth P. Carney, Sr., P.E., P.S., Engineer  
Lorain County

William R. Carvenik, Mayor  
City of Euclid

Scott E. Coleman, Mayor  
City of Highland Heights

Yvonne Conwell, Councilperson  
Cuyahoga County Council

Glenn Coyne, FAICP, Executive Director  
Cuyahoga County Planning Commission

Timothy J. DeGeeter, Mayor  
City of Parma

Ann Marie Donagan, Mayor  
Olmsted Falls

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

James R. Gills, P.E., 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

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

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

Robert Patrick, Service Director  
City of Wadsworth

Terrall H. Pruitt, Councilperson  
City of Cleveland

Blake A. Rear, Commissioner  
Geauga County Board of Commissioners

Chase M. Ritenauer, Mayor  
City of Lorain

Michael J. Satay, P.E., P.S., Engineer  
Medina County

Charles Smith, Mayor  
Village of Woodmere

Ralph Spidaleri, Commissioner  
Geauga County Board of Commissioners

Matthew L. Spronz, P.E., PMP, Director  
of Capital Projects, City of Cleveland

Robert A. Stefank, Mayor  
City of North Royalton

Michael P. Summers, Mayor  
City of Lakewood

Deborah L. Sutherland, Mayor  
City of Bay Village

Bonita G. Teewan, P.E., Director  
Cuyahoga County Department of Public Works

Tom Williams, Commissioner  
Lorain County Board of Commissioners

**Ex officio Member**

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

**Executive Committee Members**

Grace Gallucci, NOACA Executive Director

July 30, 2014

Honorable Edward FitzGerald  
Cuyahoga County Executive  
2079 East 9th Street, 8th Floor  
Cleveland, OH 44115

Honorable C. Ellen Connally  
President, Cuyahoga County Council  
2079 East 9th Street, 8th Floor  
Cleveland, OH 44115

Dear Executive FitzGerald and President Connally:

As you know, NOACA's Board of Directors adopted three resolutions (2014-032, 2014-033 and 2014-034) on July 11<sup>th</sup> which made revisions to the NOACA Code of Regulations. Two of those resolutions require the concurrence of the five counties of Cuyahoga, Geauga, Lake, Lorain, and Medina.

Enclosed please find copies of Resolutions 2014-033 and 2014-034. Resolution 2014-033 completes many important clarifying edits to Articles IV and IX of the Code of Regulations. Resolution 2014-034 makes more substantive changes to Articles IV and IX of the Code of Regulations.

As a convenience, two redline versions of the Code of Regulations showing the changes made by each resolution are attached. A copy of the Code of Regulations as it would appear with all the adopted changes accepted is also enclosed for your reference.

Although you may already have begun the process for approval, I would like to emphasize that the ratification must be complete by October 9<sup>th</sup>. 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

GG/bd/6089s

Enclosure:

Resolution 2014-033, adopted by NOACA on July 11, 2014  
Resolution 2014-034, adopted by NOACA on July 11, 2014  
Redline versions of Code of Regulations  
Final form of Code of Regulations

1299 Superior Ave., Cleveland, Ohio 44114-3204 Phone: 216-241-2414 FAX: 216-621-3024

Web: [www.noaca.org](http://www.noaca.org)

[noaca.org](http://noaca.org)

@noaca\_mpo

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

(Agency By-Laws)

**Revised and Restated as of July 11, 2014.**

**Historical Notes:**

**Revisions to this document include all those made by:**

- **Board Resolution 2010-050, ratified by the five counties on April 5, 2011.**
- **Board Resolution 2011-030, adopted August 12, 2011.**
- **Board Resolution 2012-050, adopted December 14, 2012.**
- **Board Resolution 2013-003, adopted March 8, 2013.**
- **Board Resolution 2013-004 adopted March 8, 2013.**
- **Board Resolution 2013-027, adopted August 9, 2013.**
- **Board Resolutions 2014-032, 2014-033 and 2014-034, adopted July 11, 2014.**

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

As local officials of the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina and of 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.

**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 areas of the City of Vermilion in Lorain County and the City of Rittman in Medina County.

**Section 1.2 Vision.** NOACA will STRENGTHEN regional cohesion, PRESERVE existing infrastructure, and BUILD a sustainable multimodal transportation system to SUPPORT economic development and ENHANCE quality of life in Northeast Ohio.

**Section 1.3 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 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.

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.

**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 wastewater 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.

**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.

## ARTICLE IV

### **BOARD OF DIRECTORS**

**Section 4.1 Duties of Board of Directors.** The business of the Agency shall be managed 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.

#### **Section 4.2 Appointment; Composition; Alternates; Term.**

(a) The Board of Directors shall consist of representatives from the five counties and the City of Cleveland. The goals for representation are as follows: to ensure that the Board's discussions and decision-making are informed by the principal elected officials and regional administrators of the NOACA planning 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. Board positions shall be granted based on requirements of Section 4.2. Each county and the City of Cleveland shall be responsible for assuring appropriate representation according to Section 4.2, recognizing the goals for representation, dues procedures and compliance within each county's, the City of Cleveland's, and the Agency's mission. Each voting member of the Board, including its Officers, shall be entitled to one vote on all matters submitted to the Board for action.

(b) Individual Board members shall be appointed annually. Each of the five counties and the City of Cleveland shall appoint the number of representatives to the Board indicated in Sections 4.2(d)-(i) below. Appointments will be made by a representative of each appointing authority, or by the body or agency within each appointing authority, set forth in Sections 4.2(d)-(i). The Cuyahoga County Executive will be responsible for making the appointments under Sections 4.2(d)(i) and 4.2(d)(iii)(A)-(G). Notice of all appointments must be delivered in writing to the President of the Board, with a copy to

the Agency’s Executive Director. Notice must be delivered by each county and the City of Cleveland for their own appointments and for all appointments made by an appointing authority located within its geographic area, and must be received by the Agency at least 10 business days prior to the Board’s first meeting each calendar year or, if an appointment is to be made by a body or agency and the meeting schedule of such body or agency necessitates, immediately following the first legal meeting of the calendar year of such designated body or agency, whichever is later.

(c) Each of the five counties and the City of Cleveland shall be permitted to appoint individuals who hold titles other than those set forth in Sections 4.2(d)-(i) below by submitting written notice of a formal action authorizing such change to the President of the Board of Directors, with a copy to NOACA’s Executive Director, for approval by the Board and for subsequent ratification pursuant to Article IX of this Code. If approved and ratified, all changes described in this Section 4.2(c) shall be effective as of the Board’s first meeting the following calendar year. To ensure timely completion of the required approval and ratification, changes submitted pursuant to this Section 4.2(c) should be presented to the Board for approval no later than its October meeting. In no event shall any appointment cause an increase in the total number of members designated in Section 4.2(d)-(i) below for each of the five counties and the City of Cleveland.

<u>(d) Cuyahoga County</u>	<u>Votes</u>
(i) County Government	
(A) County Executive (Administration Representative).....	1
(B) Director of Public Works .....	1
(C) County Executive Appointee .....	1
(D) County Council Member.....	1
(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
(E) Council Member .....	1
(F) City Planning Director.....	<u>1</u>
<b>TOTAL</b> .....	<b>6</b>

**(e) Geauga County**

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

**(f) 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>

**(g) 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>

**(h) Medina County**

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

**(i) State of Ohio**

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

(k) Pursuant to contracts approved by the Board of Directors, a representative of the Ohio Environmental Protection Agency, Northeast District Office, shall be a non-voting ex officio 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.

(l) 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.

(m) On or before the first meeting of the Board of Directors each calendar year, 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 that come before the Board of Directors or any committee on which such alternate serves. No person may serve as the alternate for more than one Board member. Alternates shall possess full powers in all matters that come before the Board of Directors and shall have all the rights and responsibilities of a Board member, including all fiduciary and other responsibilities to the Agency. Notwithstanding the foregoing, no alternate shall serve as an officer of 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. Designation of an alternate shall be in writing and must be submitted to the President of the Board, with a copy to the Agency's Executive Director. Each designation shall be effective until it is revoked or modified by the Board member who made such designation or until the Board member making the designation is no longer a member of the Board of Directors, but in no event shall a designation of alternate be effective for more than one year from the date it is submitted. Each person who is a member of the Board of Directors may revoke or modify the designation of an alternate at any time in writing submitted to the President of the Board, with a copy to the Agency's Executive Director.

(n) 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 President of the Board, with a copy to NOACA's Executive Director. Alternates are specifically precluded from exercising such proxy rights.

(o) 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.

(p) 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.

### **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 from among its regularly appointed members 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 meeting of the Board of Directors held in January of the following year, or 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.

(b) Any officer may resign at any time upon written notice to the President of the Board of Directors, with a copy to NOACA's Executive Director.

(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.

(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 at its next regular meeting or a special meeting called for that purpose pursuant to Section 5.2 of this Code.

(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.

(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.

(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.

(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 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.

(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.

**Section 4.4 Vacancies.** Board member appointments shall remain in effect until January of the following year, until such Board member's successor is appointed and qualified, or until such Board member's resignation, removal or death. A vacancy in the Board of Directors, however occurring, shall be filled by a public official appointed by the appropriate appointing authority 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 appointed and qualified or until earlier resignation, removal from office or death. Written notice of such appointment must be delivered by the respective county or the City of Cleveland, in writing to the President of the Board with a copy to the Agency's Executive Director, prior to the first meeting at which such new member will act.

**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, and 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 was included in the notice of such meeting. The affirmative vote of a majority 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. The successor to such member or alternate shall be designated by the appropriate appointing authority in the same manner as the vacating member was selected. Written notice of such appointment must be delivered by the respective county or the City of Cleveland, in writing to the President of the Board with a copy to the Agency's Executive Director, prior to the first meeting at which such new member will act.

**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.

## ARTICLE V

### **ORGANIZATION OF THE BOARD OF DIRECTORS**

**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.

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

**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 or regular meeting at which the removal of a member of the Board will be considered, 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.

**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. At no time shall an alternate preside over a regular or special meeting of the Board of Directors.

**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.

**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 affirmative vote of a majority of Board members present at a meeting at which a quorum is present shall constitute the approval of any matter brought before the Board of Directors for decision. 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.

**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*.

**Section 5.9 Conflicts of Interest.** 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 his or her 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.

**Section 5.10 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. Appointment 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 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 the approval of the Board, 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 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 and Subcommittees.**

(a) Standing Committees. 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 Executive Committee and, if recommended by the Executive Committee, 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 Executive Committee.

(b) Membership. Unless otherwise specifically set forth, Standing Committee and Subcommittee members shall be appointed by the President of the Board of Directors with approval of the Board. Appointments shall be made and effective as of the first Board meeting in January of each year. Each member of the Board of Directors shall serve on at least one Standing Committee. Membership of each Standing Committee shall be comprised of members of the Board of Directors or their alternates. Subcommittee membership may include individuals who are not current members of the Board of Directors. Vacancies on a Standing Committee or Subcommittee shall be filled in the same manner as the vacating member was selected. Any Standing Committee or Subcommittee 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 the Board. 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) Meetings. Each Standing Committee and Subcommittee 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 Chair or Vice-Chair of the Standing Committee or Subcommittee or by the Executive Director of the Agency, on at least four days notice (oral or written).

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

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

(f) Procedure. Meetings of any Standing Committee or Subcommittee shall be conducted according to *Robert's Rules of Order*. Such meetings shall be presided over by the Chair

or of the Standing Committee or Subcommittee, or in her or her absence, the Vice-Chair or such other member of the Standing Committee or Subcommittee as appointed by the Chair. In no event shall an alternate preside over any regular or special meeting of a Standing Committee or Subcommittee.

(g) Subcommittee 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, with a copy to the Agency's Executive Director, prior to any meeting such representative will attend. 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. The ability to appoint a member representative shall not apply to members of any Standing Committee.

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

(i) Removal. The Board of Directors, upon recommendation of the Governance Committee, may remove any Standing Committee or Subcommittee 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 or Subcommittee member.

**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 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.

(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.

(1) **Membership.** The Air 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 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:

- 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.

(j) **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.

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

- 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].
- 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.

(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 seven 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 seven 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.**

(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 the President of the Board of Directors jointly, may 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 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.

**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 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.

**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;

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

(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;

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

(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.

## **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.

**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 matter 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.

**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.

**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.

## ARTICLE IX

### AMENDMENTS

This Code of Regulations may be altered, amended or repealed only by a majority vote of the Board of Directors. However, any matters relating to Article IV of this Code of Regulations shall be altered, amended or repealed only upon written approval of each County of the NOACA area and the City of Cleveland. Such written approvals must be submitted to NOACA within 90 days of the date of any resolution requiring approval, or at the next regular meeting of the Board of Directors, whichever is earlier. Alteration, amendment or repeal of this Code may be initiated by the Board either after a special meeting called for that purpose or at any regular meeting where notice of such purpose was included in the notice of such meeting.

## 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.

**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.

**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.

**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

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

<b>TYPE</b>	<b>PURPOSE</b>	<b>CREATED BY</b>	<b>MEMBERSHIP</b>	<b>DURATION</b>	<b>WHO APPOINTS MEMBERS</b>	<b>REPORTING RESPONSIBILITIES</b>
Standing Committee	Advise & Recommend Tech/Function Issues to Board	<ul style="list-style-type: none"> <li>• Code</li> <li>• Board</li> </ul>	Members of NOACA Board or alternates	Permanent	President with Board Approval	Recommend to Executive Committee
		•				
Subcommittee	Tech ongoing advice to Standing Committee	<ul style="list-style-type: none"> <li>• Chair Standing Committee &amp; President jointly,</li> <li>• Board</li> <li>• Code</li> </ul>	Standing Committee members or per Code Stakeholders Tech Experts	Permanent	<ul style="list-style-type: none"> <li>• President</li> <li>• Standing Committee Chair with President</li> <li>• Code</li> </ul>	Recommend to Standing Committee
		•				
Advisory Council*	Advice to Board or Standing Committee or Subcommittee	<ul style="list-style-type: none"> <li>• Chair Subcommittee &amp; President jointly</li> <li>• Board</li> <li>• Code</li> </ul>	Board members Standing Committee members Individuals not with agency with special expertise	Permanent or Temporary	<ul style="list-style-type: none"> <li>• President</li> <li>• Chair of Subcommittee with President</li> <li>• Code</li> </ul>	Recommend to Subcommittee
		•				
Task Force*	Oversees special study or report	<ul style="list-style-type: none"> <li>• Chair Subcommittee &amp; President jointly</li> <li>• Board</li> <li>• Code</li> </ul>	Board Members Standing Committee Subcommittee or individuals with special expertise	Temporary	<ul style="list-style-type: none"> <li>• President</li> <li>• Chair of Subcommittee with President</li> <li>• Code</li> </ul>	Recommend to Subcommittee

\*Written statement of purpose needed.

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

(Agency By-Laws)

Revised and Restated as of July 11, 2014,

**Historical Notes:**

Revisions to this document include all those made by:

- Board Resolution 2010-050, ratified by the five counties on April 5, 2011.
- Board Resolution 2011-030, adopted August 12, 2011.
- Board Resolution 2012-050, adopted December 14, 2012.
- Board Resolution 2013-003, adopted March 8, 2013.
- Board Resolution 2013-004 adopted March 8, 2013.
- Board Resolution 2013-027, adopted August 9, 2013.
- Board ~~Resolution~~Resolutions 2014-032 and 2014-033, adopted July 11, 2014.



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

As local officials of the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina and of 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.

**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 areas of the City of Vermilion in Lorain County and the City of Rittman in Medina County.

**Section 1.2 Vision.** NOACA will STRENGTHEN regional cohesion, PRESERVE existing infrastructure, and BUILD a sustainable multimodal transportation system to SUPPORT economic development and ENHANCE quality of life in Northeast Ohio.

**Section 1.3 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 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.

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.

**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 wastewater 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.

**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.

**ARTICLE IV**

**BOARD OF DIRECTORS**

**Section 4.1 Duties of Board of Directors.** The business of the Agency shall be managed 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.

**Section 4.2 Composition; Alternates; Term.**

~~(a) The Board of Directors shall consist of representatives from the five-county area-counties and the City of Cleveland. The goalgoals for representation isare as follows: to bring toensure that the Board’s discussions and decision-making are informed by the principal elected officials and regional administrators of the NOACA planning area concerned with transportation and environmental planning, while assuring; 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. Board positions shall be granted based on requirements of this section and individual Board members shall be specified annually at the first meeting.~~Section 4.2. Each ~~County~~county and the City of Cleveland shall be responsible for assuring appropriate representation according to ~~this section~~Section 4.2, recognizing the goalgoals for representation, dues procedures and compliance within each ~~County~~county’s, the City of Cleveland’s, and the Agency’s mission. Each voting member of the Board, including it’s Officers, shall be entitled to one vote on all matters submitted to the Board for a-vote.action.

**(b) Cuyahoga County**

**Votes**

- |     |                                   |   |
|-----|-----------------------------------|---|
| (i) | County Government                 |   |
|     | (A) County Executive .....        | 1 |
|     | (B) Director of Public Works..... | 1 |

	(C) County Executive Appointee.....	1
	(D) County Council Member .....	1
(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 .....	<u>1</u>
	<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.....	<u>1</u>
	<b>TOTAL</b> .....	<b>11</b>
(iv)	City of Cleveland	
	(A) Mayor (Chief of Government <b>and International</b> Affairs) .....	1
	(B) Director of Capital Projects .....	1
	(C) Council Member .....	1
	(D) Council Member .....	1
	(E) Council Member .....	1
	(F) City Planning Director.....	<u>1</u>
	<b>TOTAL</b> .....	<b>6</b>
	<b>(c) Geauga County</b>	
(i)	County Commissioner .....	1
(ii)	County Commissioner .....	1
(iii)	County Commissioner .....	<u>1</u>
	<b>TOTAL</b> .....	<b>3</b>
	<b>(d) Lake County</b>	
(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>

**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 .....	1
<b>TOTAL</b> .....	<b>7</b>

**(f) Medina County**

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

**(g) State of Ohio**

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

(h) Pursuant to contracts approved by the Board of Directors, a representative of the Ohio Environmental Protection Agency, Northeast District Office, ~~is~~shall be a non-voting ex officio 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 ~~regulation~~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.

(i) 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.

(j) ~~Each~~ On or before the first meeting of the Board of Directors each calendar year, ~~each~~ person who is a member of the Board of Directors shall designate ~~an~~one alternate to act in the absence of such member—, ~~which alternate shall keep the member informed of all matters that come before the Board of Directors or any committee on which such alternate serves. No person may serve as the alternate for more than one Board member.~~ Alternates shall possess full powers in all matters ~~which~~that come before the Board of Directors— ~~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. Designation of an alternate shall be in writing and must be submitted to the ~~Board of Directors~~President of the Board, with a copy to the

Agency's Executive Director. Each designation shall be effective ~~for no~~ until it is revoked or modified by the Board member who made such designation or until the Board member making the designation is no longer a member of the Board of Directors, but in no event shall a designation of alternate be effective for more than one year from the date it is submitted ~~to the Board of Directors.~~ Each person who is a member of the Board of Directors may revoke or modify the designation of an alternate at any time in writing ~~and submit it~~ submitted to the President of the Board of Directors, with a copy to the Agency's Executive Director.

(k) 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.~~ President of the Board, with a copy to NOACA's Executive Director. Alternates are specifically precluded from exercising such proxy rights.

(l) 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 ~~which~~ 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.

(m) The Board of Directors is authorized to take appropriate measures to ~~insure~~ 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.

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

(a) At ~~the~~ 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 held in January of the following year, or 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.

(b) Any officer may resign at any time upon written notice to the ~~Secretary~~ President of the Board of Directors, with a copy to NOACA's Executive Director.

(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.

(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 at its next regular meeting or a special meeting called for that purpose pursuant to Section 5.2 of this Code.

(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.

(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.

(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.

(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 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 ~~disburse~~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.

(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.

**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~~appointed or until such member's successor is ~~elected~~appointed and qualified or until earlier resignation, removal from office or death.

**Section 4.5 Removal.** ~~A majority of the members of the~~The Board of Directors may at any time ~~may~~ remove for cause any member, except for individuals who ~~is not a member~~are members of the Board solely because of their position as an elected official of a member agency, and 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 was included in the notice of such~~ meeting. The affirmative vote of a majority 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. The successor to such member or alternate shall be designated in the same manner as the ~~removed~~vacating member was selected.

**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.

## ARTICLE V

### ORGANIZATION OF THE BOARD OF DIRECTORS

**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.

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

**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 or regular meeting at which the removal of a member of the Board will be considered, 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.

**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.

**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 affirmative vote of a majority of Board members present at a meeting at which a quorum is present shall constitute the approval of any matter brought before the Board of Directors for decision. 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.

**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.*

**Section 5.9 Conflicts of Interest.** 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 his or her 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.

**Section 5.10 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. Appointment 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 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 the approval of the Board, 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 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 and Subcommittees.**

(a) **Standing Committees.** 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 Executive Committee and, if recommended by the Executive Committee, 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 Executive Committee.

(b) **Membership.** Unless otherwise specifically set forth, Standing Committee and Subcommittee members shall be appointed by the President of the Board of Directors with approval of the Board. Appointments shall be made and effective as of the first Board meeting in January of each year. Each member of the Board of Directors shall serve on at least one Standing Committee. Membership of each Standing Committee shall be comprised of members of the Board of Directors or their alternates. Subcommittee membership may include individuals who are not current members of the Board of Directors. Vacancies on a Standing Committee or Subcommittee shall be filled in the same manner as the vacating member was selected. Any Standing Committee or Subcommittee 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 the Board. 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) **Meetings.** Each Standing Committee and Subcommittee 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 Chair or

Vice-Chair of the Standing Committee or Subcommittee or by the Executive Director of the Agency, on at least four days notice (oral or written).

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

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

(f) Procedure. Meetings of any Standing Committee or Subcommittee shall be conducted according to *Robert's Rules of Order*. Such meetings shall be presided over by the Chair or of the Standing Committee or Subcommittee, or in her or her absence, the Vice-Chair or such other member of the Standing Committee or Subcommittee as appointed by the Chair.

(g) Subcommittee 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, with a copy to the Agency's Executive Director, prior to any meeting such representative will attend. 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. The ability to appoint a member representative shall not apply to members of any Standing Committee.

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

(i) Removal. The Board of Directors, upon recommendation of the Governance Committee, may remove any Standing Committee or Subcommittee 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 or Subcommittee member.

**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 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.

(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.

(1) Membership. The Air 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 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:

- 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.

(j) **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.

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

- 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].
- 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.

(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 seven 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 seven 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.**

(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 the President of the Board of Directors jointly, may 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 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.

**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 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.

**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;



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

(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;

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

(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.

## 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.

**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.

**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.

**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 insure to the benefit of such person's heirs, executors and administrators.

## ARTICLE IX

### AMENDMENTS

This Code of Regulations may be altered, amended or repealed only by a majority vote of the Board of Directors. However, any matters relating to Article IV of this Code of Regulations shall be altered, amended or repealed only upon written approval of each County of the NOACA area. Such written approvals must be submitted to NOACA within 90 days of the date of any resolution requiring approval, or at the next regular meeting of the Board of Directors, whichever is earlier. Alteration, amendment or repeal of this Code may be initiated by the Board

either after a special meeting called for that purpose or at any regular meeting where notice of such purpose was given at the immediately preceding regular meeting.

## 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.

**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.

**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.

**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

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

<b>TYPE</b>	<b>PURPOSE</b>	<b>CREATED BY</b>	<b>MEMBERSHIP</b>	<b>DURATION</b>	<b>WHO APPOINTS MEMBERS</b>	<b>REPORTING RESPONSIBILITIES</b>
Standing Committee	Advise & Recommend Tech/Function Issues to Board	<ul style="list-style-type: none"> <li>• Code</li> <li>• Board</li> </ul>	Members of NOACA Board or alternates	Permanent	President with Board Approval	Recommend to Executive Committee
		•				
Subcommittee	Tech ongoing advice to Standing Committee	<ul style="list-style-type: none"> <li>• Chair Standing Committee &amp; President jointly,</li> <li>• Board</li> <li>• Code</li> </ul>	Standing Committee members or per Code Stakeholders Tech Experts	Permanent	<ul style="list-style-type: none"> <li>• President</li> <li>• Standing Committee Chair with President</li> <li>• Code</li> </ul>	Recommend to Standing Committee
		•				
Advisory Council*	Advice to Board or Standing Committee or Subcommittee	<ul style="list-style-type: none"> <li>• Chair Subcommittee &amp; President jointly</li> <li>• Board</li> <li>• Code</li> </ul>	Board members Standing Committee members Individuals not with agency with special expertise	Permanent or Temporary	<ul style="list-style-type: none"> <li>• President</li> <li>• Chair of Subcommittee with President</li> <li>• Code</li> </ul>	Recommend to Subcommittee
		•				
Task Force*	Oversees special study or report	<ul style="list-style-type: none"> <li>• Chair Subcommittee &amp; President jointly</li> <li>• Board</li> <li>• Code</li> </ul>	Board Members Standing Committee Subcommittee or individuals with special expertise	Temporary	<ul style="list-style-type: none"> <li>• President</li> <li>• Chair of Subcommittee with President</li> <li>• Code</li> </ul>	Recommend to Subcommittee

\*Written statement of purpose needed.

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

(Agency By-Laws)

Revised and Restated as of July 11, 2014.

**Historical Notes:**

Revisions to this document include all those made by:

- Board Resolution 2010-050, ratified by the five counties on April 5, 2011.
- Board Resolution 2011-030, adopted August 12, 2011.
- Board Resolution 2012-050, adopted December 14, 2012.
- Board Resolution 2013-003, adopted March 8, 2013.
- Board Resolution 2013-004 adopted March 8, 2013.
- Board Resolution 2013-027, adopted August 9, 2013.
- Board Resolutions 2014-032, 2014-033 and 2014-~~033~~034, adopted July 11, 2014.



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

As local officials of the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina and of 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.

**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 areas of the City of Vermilion in Lorain County and the City of Rittman in Medina County.

**Section 1.2 Vision.** NOACA will STRENGTHEN regional cohesion, PRESERVE existing infrastructure, and BUILD a sustainable multimodal transportation system to SUPPORT economic development and ENHANCE quality of life in Northeast Ohio.

**Section 1.3 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 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.

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.

**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 wastewater 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.

**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.

## ARTICLE IV

### BOARD OF DIRECTORS

**Section 4.1 Duties of Board of Directors.** The business of the Agency shall be managed 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.

#### **Section 4.2 Appointments; Composition; Alternates; Term.**

(a) The Board of Directors shall consist of representatives from the five counties and the City of Cleveland. The goals for representation are as follows: to ensure that the Board's discussions and decision-making are informed by the principal elected officials and regional administrators of the NOACA planning 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. Board positions shall be granted based on requirements of Section 4.2. Each county and the City of Cleveland shall be responsible for assuring appropriate representation according to Section 4.2, recognizing the goals for representation, dues procedures and compliance within each county's, the City of Cleveland's, and the Agency's mission. Each voting member of the Board, including its Officers, shall be entitled to one vote on all matters submitted to the Board for action.

#### ~~(b) Cuyahoga County Votes~~

~~(b) Individual Board members shall be appointed annually. Each of the five counties and the City of Cleveland shall appoint the number of representatives to the Board indicated in Sections 4.2(d)-(i) below. Appointments will be made by a representative of each appointing authority, or by the body or agency within each appointing authority, set forth in Sections 4.2(d)-(i). The Cuyahoga County Executive will be responsible for making the appointments under Sections 4.2(d)(i) and 4.2(d)(iii)(A)-~~

(G). Notice of all appointments must be delivered in writing to the President of the Board, with a copy to the Agency’s Executive Director. Notice must be delivered by each county and the City of Cleveland for their own appointments and for all appointments made by an appointing authority located within its geographic area, and must be received by the Agency at least 10 business days prior to the Board’s first meeting each calendar year or, if an appointment is to be made by a body or agency and the meeting schedule of such body or agency necessitates, immediately following the first legal meeting of the calendar year of such designated body or agency, whichever is later.

(c) Each of the five counties and the City of Cleveland shall be permitted to appoint individuals who hold titles other than those set forth in Sections 4.2(d)-(i) below by submitting written notice of a formal action authorizing such change to the President of the Board of Directors, with a copy to NOACA’s Executive Director, for approval by the Board and for subsequent ratification pursuant to Article IX of this Code. If approved and ratified, all changes described in this Section 4.2(c) shall be effective as of the Board’s first meeting the following calendar year. To ensure timely completion of the required approval and ratification, changes submitted pursuant to this Section 4.2(c) should be presented to the Board for approval no later than its October meeting. In no event shall any appointment cause an increase in the total number of members designated in Section 4.2(d)-(i) below for each of the five counties and the City of Cleveland.

<u>(d) Cuyahoga County</u>		<u>Votes</u>
(i)	County Government	
	(A) County Executive <u>(Administration Representative)</u> .....	1
	(B) Director of Public Works .....	1
	(C) County Executive Appointee .....	1
	(D) County Council Member.....	1
(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 .....	<u>1</u>
	<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 .....	<u>1</u>
	<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
(E) Council Member .....	1
(F) City Planning Director.....	<u>1</u>
<b>TOTAL</b> .....	<b>6</b>

**(ee) Geauga County**

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

**(df) 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>

**(g) 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>

**(fh) Medina County**

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

**(gi) State of Ohio**

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

(~~h~~k) Pursuant to contracts approved by the Board of Directors, a representative of the Ohio Environmental Protection Agency, Northeast District Office, shall be a non-voting ex officio 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.

(~~i~~l) 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.

(~~j~~m) On or before the first meeting of the Board of Directors each calendar year, 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 that come before the Board of Directors or any committee on which such alternate serves. No person may serve as the alternate for more than one Board member. Alternates shall possess full powers in all matters that come before the Board of Directors and shall have all the rights and responsibilities of a Board member, including all fiduciary and other responsibilities to the Agency. Notwithstanding the foregoing, no alternate shall serve as an officer of 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. Designation of an alternate shall be in writing and must be submitted to the President of the Board, with a copy to the Agency's Executive Director. Each designation shall be effective until it is revoked or modified by the Board member who made such designation or until the Board member making the designation is no longer a member of the Board of Directors, but in no event shall a designation of alternate be effective for more than one year from the date it is submitted. Each person who is a member of the Board of Directors may revoke or modify the designation of an alternate at any time in writing submitted to the President of the Board, with a copy to the Agency's Executive Director.

(~~k~~n) 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 President of the Board, with a copy to NOACA's Executive Director. Alternates are specifically precluded from exercising such proxy rights.

(~~l~~o) 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.

(~~m~~p) 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.

### **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 from among its regularly appointed members 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 meeting of the Board of Directors held in January of the following year, or 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.

(b) Any officer may resign at any time upon written notice to the President of the Board of Directors, with a copy to NOACA's Executive Director.

(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.

(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 at its next regular meeting or a special meeting called for that purpose pursuant to Section 5.2 of this Code.

(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.

(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.

(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.

(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 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.

(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.

**Section 4.4 Vacancies.** Board member appointments shall remain in effect until January of the following year, until such Board member's successor is appointed and qualified, or until such Board member's resignation, removal or death. A vacancy in the Board of Directors, however occurring, shall be filled by a public official ~~designated~~appointed by the appropriate appointing authority 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 ~~appointed~~delected or until such member's successor is appointed and qualified or until earlier resignation, removal from office or death. Written notice of such appointment must be delivered by the respective county or the City of Cleveland, in writing to the President of the Board with a copy to the Agency's Executive Director, prior to the first meeting at which such new member will act.

**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, and 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 was included in the notice of such meeting. The affirmative vote of a majority 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. The successor to such member or alternate shall be designated by the appropriate appointing authority in the same manner as the vacating member was selected. Written notice of such appointment must be delivered by the respective county or the City of Cleveland, in writing to the President of the Board with a copy to the Agency's Executive Director, prior to the first meeting at which such new member will act.

**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.



## ARTICLE V

### **ORGANIZATION OF THE BOARD OF DIRECTORS**

**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.

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

**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 or regular meeting at which the removal of a member of the Board will be considered, 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.

**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. At no time shall an alternate preside over a regular or special meeting of the Board of Directors.

**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.

**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 affirmative vote of a majority of Board members present at a meeting at which a quorum is present shall constitute the approval of any matter brought before the Board of Directors for decision. 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.

**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*.

**Section 5.9 Conflicts of Interest.** 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 his or her 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.

**Section 5.10 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. Appointment 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 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 the approval of the Board, 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 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 and Subcommittees.**

(a) Standing Committees. 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 Executive Committee and, if recommended by the Executive Committee, 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 Executive Committee.

(b) Membership. Unless otherwise specifically set forth, Standing Committee and Subcommittee members shall be appointed by the President of the Board of Directors with approval of the Board. Appointments shall be made and effective as of the first Board meeting in January of each year. Each member of the Board of Directors shall serve on at least one Standing Committee. Membership of each Standing Committee shall be comprised of members of the Board of Directors or their alternates. Subcommittee membership may include individuals who are not current members of the Board of Directors. Vacancies on a Standing Committee or Subcommittee shall be filled in the same manner as the vacating member was selected. Any Standing Committee or Subcommittee 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 the Board. 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) Meetings. Each Standing Committee and Subcommittee 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 Chair or Vice-Chair of the Standing Committee or Subcommittee or by the Executive Director of the Agency, on at least four days notice (oral or written).

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

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

(f) Procedure. Meetings of any Standing Committee or Subcommittee shall be conducted according to *Robert's Rules of Order*. Such meetings shall be presided over by the Chair

or of the Standing Committee or Subcommittee, or in her or her absence, the Vice-Chair or such other member of the Standing Committee or Subcommittee as appointed by the Chair. In no event shall an alternate preside over any regular or special meeting of a Standing Committee or Subcommittee.

(g) Subcommittee 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, with a copy to the Agency's Executive Director, prior to any meeting such representative will attend. 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. The ability to appoint a member representative shall not apply to members of any Standing Committee.

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

(i) Removal. The Board of Directors, upon recommendation of the Governance Committee, may remove any Standing Committee or Subcommittee 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 or Subcommittee member.

**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 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.

(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.

(1) **Membership.** The Air 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 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:

- 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.

(j) **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.

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

- 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].
- 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.

(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 seven 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 seven 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.**

(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 the President of the Board of Directors jointly, may 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 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.

**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 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.

**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;

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

(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;

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

(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.

## **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.

**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 matter 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.

**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.

**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.

## ARTICLE IX

### AMENDMENTS

This Code of Regulations may be altered, amended or repealed only by a majority vote of the Board of Directors. However, any matters relating to Article IV of this Code of Regulations shall be altered, amended or repealed only upon written approval of each County of the NOACA area- and the City of Cleveland. Such written approvals must be submitted to NOACA within 90 days of the date of any resolution requiring approval, or at the next regular meeting of the Board of Directors, whichever is earlier. Alteration, amendment or repeal of this Code may be initiated by the Board either after a special meeting called for that purpose or at any regular meeting where notice of such purpose was ~~given at the immediately preceding regular~~ included in the notice of such meeting.

## 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.

**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.

**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.

**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

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

<b>TYPE</b>	<b>PURPOSE</b>	<b>CREATED BY</b>	<b>MEMBERSHIP</b>	<b>DURATION</b>	<b>WHO APPOINTS MEMBERS</b>	<b>REPORTING RESPONSIBILITIES</b>
Standing Committee	Advise & Recommend Tech/Function Issues to Board	<ul style="list-style-type: none"> <li>• Code</li> <li>• Board</li> </ul>	Members of NOACA Board or alternates	Permanent	President with Board Approval	Recommend to Executive Committee
		•				
Subcommittee	Tech ongoing advice to Standing Committee	<ul style="list-style-type: none"> <li>• Chair Standing Committee &amp; President jointly,</li> <li>• Board</li> <li>• Code</li> </ul>	Standing Committee members or per Code Stakeholders Tech Experts	Permanent	<ul style="list-style-type: none"> <li>• President</li> <li>• Standing Committee Chair with President</li> <li>• Code</li> </ul>	Recommend to Standing Committee
		•				
Advisory Council*	Advice to Board or Standing Committee or Subcommittee	<ul style="list-style-type: none"> <li>• Chair Subcommittee &amp; President jointly</li> <li>• Board</li> <li>• Code</li> </ul>	Board members Standing Committee members Individuals not with agency with special expertise	Permanent or Temporary	<ul style="list-style-type: none"> <li>• President</li> <li>• Chair of Subcommittee with President</li> <li>• Code</li> </ul>	Recommend to Subcommittee
		•				
Task Force*	Oversees special study or report	<ul style="list-style-type: none"> <li>• Chair Subcommittee &amp; President jointly</li> <li>• Board</li> <li>• Code</li> </ul>	Board Members Standing Committee Subcommittee or individuals with special expertise	Temporary	<ul style="list-style-type: none"> <li>• President</li> <li>• Chair of Subcommittee with President</li> <li>• Code</li> </ul>	Recommend to Subcommittee

\*Written statement of purpose needed.

**RESOLUTION NO. 2014-033  
(CLARIFYING EDITS REQUIRING RATIFICATION)**

**RESOLUTION OF THE BOARD OF DIRECTORS  
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 Board of Directors 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 Governance Committee met to discuss improvements that might be made to the Code of Regulations and arrived at recommended clarifying edits to articles IV and IX as summarized in the attached table;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of 45 principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain and Medina that:

**Section 1.** Articles IV and IX of the Code are amended with the changes summarized in the attachment. These changes require the approval of the five counties of Cuyahoga, Geauga, Lake, Lorain, and Medina, from whom ratification is sought prior to the next regularly scheduled Governance Committee meeting on September 12, 2014. If written concurrence is not received by that date, 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 Board of Directors of the Northeast Ohio Areawide Coordinating Agency adopted this 11th day of July 2014.

Secretary: 

Date Signed: 11 Jul 14

ATTACHMENT

RESOLUTION OF THE BOARD OF DIRECTORS  
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 Board of Directors 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 Governance Committee met to discuss improvements that might be made to the Code of Regulations and arrived at recommended revisions to articles IV and IX as summarized in the attached table;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Northeast Ohio Areawide Coordinating Agency, consisting of 45 principal officials serving general purpose local governments throughout and within the counties of Cuyahoga, Geauga, Lake, Lorain and Medina that:

**Section 1.** Articles IV and IX of the Code are amended with the changes summarized in the attachment. These changes require the approval of the five counties of Cuyahoga, Geauga, Lake, Lorain, and Medina, from whom ratification is sought prior to the next regularly scheduled Governance Committee meeting on September 12, 2014. If written concurrence is not received by that date, 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 Board of Directors of the Northeast Ohio Areawide Coordinating Agency adopted this 10th day of January 2014.

Secretary:  \_\_\_\_\_

Date Signed: 11 JUL 14

ATTACHMENT A



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0204

<p>Sponsored by: <b>Councilmember Greenspan</b></p> <p>Co-sponsored by: <b>Councilmembers Hairston, Miller, Conwell, Schron and Brady</b></p>	<p><b>A Resolution</b> authorizing payments to Cuyahoga Community College and Cleveland State University, each in the amount of \$30,233.40, for scholarships for veterans residing in Cuyahoga County; authorizing the County Executive to negotiate and execute any necessary contract or other documents for same; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, Chapter 711 of the Cuyahoga County Code establishes the Veterans Services Fund, whereby the amounts appropriated and unspent by the Veterans Service Commission of Cuyahoga County are to be placed in a Veterans Service Fund and used to benefit veterans of the county; and

WHEREAS, \$282,334.00 has been deposited in the Veterans Services Fund from the 2013 appropriation for the Veterans Service Commission; and

WHEREAS, due to administrative issues, \$20,000.00 of the 2013 Veterans Services Fund originally dedicated to the Louis Stokes Veterans Affairs Medical Center Community Resource and Referral Center remains unused and has been returned to the Veterans Services Fund; and

WHEREAS, Section 711.03 of the Cuyahoga County Code provides that 20% of the funds available each fiscal year shall be used for a workforce development program, established by Council, to assist veterans with the costs of post-secondary education; and

WHEREAS, pursuant to Resolution No. R2013-0086, Cleveland State University, Veterans Benefit Office and Cuyahoga Community College, Veterans Services & Program Office were each awarded \$73,330.00 of 2012 Veterans Services Funds for scholarships for veterans residing in Cuyahoga County; and

WHEREAS, those scholarships provided by Cleveland State University and Cuyahoga Community College have assisted over 320 veterans to afford their post-secondary education; and

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

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

**SECTION 1.** The Cuyahoga County Council hereby authorizes the Fiscal Officer to make a one-time expenditure of available 2013 Veterans Services Funds in the total amount not-to-exceed \$60,466.80 for the following services or programs in the 2014 calendar year:

- 1) Cuyahoga Community College, Veterans Services & Program Office for scholarships for veterans residing in Cuyahoga County in the amount of \$30,233.40.
- 2) Cleveland State University, Veterans Benefit Office, for scholarships for veterans residing in Cuyahoga County in the amount of \$30,233.40.

**SECTION 2.** The County Executive is hereby authorized to negotiate and execute any necessary contract or other documents to effectuate the release of funds under the terms specified in this Resolution.

**SECTION 3.** Each of the recipients of Veterans Services Funds awarded pursuant to Section 1 of this resolution shall provide written reports to Council by January 30, 2015 and July 30, 2015, each summarizing the uses, amounts, and impacts of the distributed funds. Council may request additional information in the form of oral or written reports.

**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: August 26, 2014  
Committee(s) Assigned: Finance & Budgeting

Additional Sponsorship Requested: August 29, 2014

Additional Sponsorship Requested: September 2, 2014

Journal CC015  
September 9, 2014

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2014-0016

Sponsored by: <b>Councilmembers Miller, Conwell and Germana</b>	<b>An Ordinance</b> amending Section 106.06 of the Cuyahoga County Code to establish copying costs for public records.
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WHEREAS, Section 149.43 et seq. of the Ohio Revised Code governs the availability of public records for inspection and copying; and,

WHEREAS, Chapter 106 of the Cuyahoga County Code governs the public records policy of Cuyahoga County, which was originally enacted by Ordinance No. O2011-0012 and was thereafter amended and codified by Ordinance No. O2013-0002; and,

WHEREAS, Section 106.06 of the County Code establishes the copy costs for public records, and further provides that County Council shall biennially determine and establish the copying costs for public records; and,

WHEREAS, Council now wishes to update and clarify the copying costs of public records for the public offices of Cuyahoga County.

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

**SECTION 1:** Section 106.06 of the Cuyahoga County Code is hereby amended to read as follows:

#### A. County Council to Determine Costs for Public Records

Unless otherwise provided in this Section, persons requesting copies of public records shall be required to pay for the cost of copies and/or delivery or transmission of public records. No charge for public records shall exceed the actual cost of making copies, packaging, postage, and any other costs of the method of delivery or transmission chosen by the requestor, except as otherwise provided by court order or law.

#### B. Costs for Public Records

Except as otherwise provided by court order or law, the copying costs for public records shall not exceed the following rates:

1. The charge for paper copies shall not exceed \$0.03 per page. The charge for paper copies shall be waived when the total cost of copying is less than \$1.00.
2. The charge for electronic copies provided on a compact disc, USB flash drive, or other data storage device shall not exceed \$1.00 per gigabyte of storage space available on the device.
3. There shall be no charge for electronic copies provided via email, facsimile, or other electronic transmission; provided, however, that a public office may charge up to \$0.03 per page when it is necessary to copy or print records for the purpose of redaction.

A public office may require payment in advance, or may waive copying and delivery costs when it determines it is cost-effective to do so, provided that the public office follows a consistent policy for all requests.

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

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

Yeas:

Nays:

County Council President	Date

County Executive	Date

Clerk of Council	Date

First Reading/Referred to Committee: May 27, 2014  
 Committee(s) Assigned: Council Operations & Intergovernmental Relations

Committee Report/Second Reading: September 9, 2014

Journal \_\_\_\_\_  
\_\_\_\_\_, 2014

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2014-0024

Sponsored by: <b>Councilmember Simon</b>	<b>An Ordinance</b> setting the fee structure for Cuyahoga County Animal Shelter Dog Adoptions, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: <b>Councilmember Connally</b>	

WHEREAS, Ohio Revised Code Chapter 955 authorizes charging a fee in connection with the adoption of a dog.

WHEREAS, the Department of Public Works expends personnel hours and other administrative costs to provide dog adoptions; and

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

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

**SECTION 1.** Section 713.02 of the Cuyahoga County Code is hereby enacted to read as follows:

#### **Section 713.02 Dog Adoption Fees**

Cuyahoga County shall charge an adoption fee for each dog that is adopted from the Cuyahoga County Animal Shelter. The adoption fee shall be set at a rate determined by the Cuyahoga County Director of Public Works. The Cuyahoga County Director of Public Works is hereby given the flexibility to change the adoption fee from time-to-time as the circumstances dictate based upon the following factors:

- (A) Costs incurred by the County in providing this service, including but not limited to personnel and other administrative costs; and
- (B) Special adoption and promotional events;
- (C) Whether the dogs are a bonded pair;
- (D) Overcrowding conditions, availability of space and population at the animal shelter;

- (E) The health and medical condition of the dogs;
- (F) The length of time the dogs have been at the animal shelter;
- (G) Whether the dogs will be euthanized if not adopted.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



Additional Sponsorship Requested: August 20, 2014

First Reading/Referred to Committee: August 12, 2014

Committee(s) Assigned: Education, Environment & Sustainability

Committee Report/Second Reading: August 26, 2014

Journal CC015

September 9, 2014



**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

Journal CC015  
September 9, 2014



EDWARD FITZGERALD  
Cuyahoga County Executive

September 2, 2014

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 September 9, 2014, 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>Temporary/Permanent Use of Reserves</b>	<b>Amount</b>
Capital Projects/Pedestrian and Bicycle Bridge – Additional appropriation to cover the architectural design of the pedestrian and bicycle bridge from the malls in downtown Cleveland to the Science Center. Funding is from the Hotel bond proceeds or future debt issuance. This is a temporary use of reserves.	\$2,808,412.00
<b>TOTAL</b>	<b>\$2,808,412.00</b>
<b>Total Additional Appropriations - All Funds</b>	<b>\$2,808,412.00</b>

The following represents the overall changes made to the Annual Appropriation Measure for 2014 since its adoption on December 10, 2013 Resolution R2013-0229. The changes reflect the Additional Appropriations, Appropriation Transfers and Cash Transfers to the original adopted appropriation resolution.

**APPROPRIATION STATUS SUMMARY:**

	<u>09/09/14 Agenda #1</u>	<u>R2013-0229*</u>	<u>Adjusted Annual Appropriation</u>
General Fund Impact	\$ 0.00	\$ 377,204,012.00	\$ 382,130,330.72
HHS Levy Impact	\$ 0.00	\$ 235,311,170.00	\$ 237,804,788.32
Other Fund Impact	\$ <u>2,808,412.00</u>	\$ <u>693,095,162.00</u>	\$ <u>952,571,793.21</u>
<b>Total Impact</b>	<b>\$ 2,808,412.00</b>	<b>\$1,305,610,344.00</b>	<b>\$ 1,572,506,912.25</b>

**\* 2014-2015 appropriation levels adopted by resolution R2013-0229 on December 10, 2014.**

Thank you for your consideration regarding this matter.

Sincerely,



W. Christopher Murray, II  
Interim Director, Office of Budget & Management  
[cmurray@cuyahogacounty.us](mailto:cmurray@cuyahogacounty.us)  
(216) 443-7175  
Fax: (216) 443-8193



EDWARD FITZGERALD  
Cuyahoga County Executive

## MEMORANDUM

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TO: Jeanne Schmotzer, Clerk of Council

FROM: W. Christopher Murray, II, Interim Director, Office of Budget & Management

DATE: September 2, 2014

RE: Fiscal Resolution 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 September 9, 2014. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

### **Resolution: Additional Appropriations**

A.	40A069 – Capital Projects Future Debt Issuance	<b>BA1400355</b>
	CC768523 – Pedestrian and Bicycle Bridge	
	Other Expenses	\$ 2,808,412.00

Appropriation is requested for the architectural design of a pedestrian and bicycle bridge from the mall in downtown Cleveland to the science center. The County funding for the pedestrian and bicycle bridge will come from Hotel bond proceeds or future debt issuance. In addition, the County will receive \$10 million from the City of Cleveland and \$5 million from a State grant. Temporary use of reserves.

Fiscal Office  
Office of Budget & Management  
2079 E. 9<sup>th</sup> Street, Cleveland, OH 44115, (216) 443-7220, FAX (216) 443-8193  
Ohio Relay Service (TTY) 711

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0219

<p>Sponsored by: <b>County Executive FitzGerald/Department of Law and County Sheriff</b></p>	<p><b>A Resolution</b> approving a Collective Bargaining Agreement between Cuyahoga County and International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW Region 2-B, Local 70, representing approximately 9 employees in the classification of Court Security Officer at the Sheriff’s Department 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 Department of Law has been engaged in collective bargaining negotiations with the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, Region 2-B, (hereinafter collectively referred to as the “UAW, Region 2B”), in an effort to negotiate a successor collective bargaining agreement (“CBA”) covering approximately 9 employees in the classification of Court Security Officer in the Cuyahoga County Sheriff’s Department for the period 1/1/2013 – 12/31/2015; and

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

WHEREAS, the members of the bargaining unit have voted to ratify the proposed successor 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 Department of Law is recommending that Council approve the proposed CBA for the period 1/1/2013 – 12/31/2015; and

WHEREAS, it is necessary that this Resolution become immediately effective to ensure the efficient operation of the Sheriff's Department.

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

**SECTION 1.** The Cuyahoga County Council hereby approves the CBA between Cuyahoga County and the UAW, Region 2-B, covering approximately 9 employees in the Cuyahoga County Sheriff's Department for the period 1/1/2013 – 12/31/2015, 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 the UAW, Region 2-B 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 CC015  
September 9, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0220

Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management</b>	<b>A Resolution</b> amending the 2014/2015 Biennial Operating Budget for 2014 by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on December 10, 2013, the Cuyahoga County Council adopted the Biennial Operating Budget and Capital Improvements Program for 2014/2015 (Resolution No. R2013-0229) establishing the 2014/2015 biennial budget for all County departments, offices and agencies; and

WHEREAS, it is necessary to adjust the Biennial Operating Budget for 2014 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 2014/2015 Biennial Operating Budget for 2014 be amended to provide for the following additional appropriation increases and decreases:

**Fund Nos./Budget Accounts**

**Journal Nos.**

A.	20A804 – Public Defender – Cleveland Municipal Division	<b>BA1400740</b>
	PD141028 – Public Defender – Cleveland Municipal Division	
	Personal Services	\$ 95,000.00
	Other Expenses	\$ 5,000.00

Funding Source: The funding to pay for these services comes from the City of Cleveland and reimbursed by the State of Ohio’s Public Defender Commission to the City of Cleveland at the rate of 35% less a 3% administrative fee assessed by the County.

B.	21A165 – TASC FY2015	<b>BA1400491</b>
	CO754648 – Treatment Alternative Street Crime	
	Personal Services	\$ 483,849.00
	Other Expenses	\$ 13,381.00

Funding Source: Grant award from the Ohio Department of Mental Health and Addiction Services (ODMHAS) passed through the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County.

C.	21A182 - TASC Drug Court	<b>BA1400492</b>
	CO754663 – Drug Court FY2015	
	Personal Services	\$ 219,411.00
	Other Expenses	\$ 1,089.00

Funding Source: Grant award from the Ohio Department of Mental Health and Addiction Services (ODMHAS) passed through the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County.

D.	24A641 – PA Homeless Services	<b>BA1400234</b>
	HS158097– PA Homeless Services	
	Other Expenses	\$ 80,000.00

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

E1.	20A303 – Children Services Fund	<b>BA1400703</b>
	CF134023 – Adoption Services	
	Other Expenses	\$ (356,803.00)

E2.	20A303 – Children Services Fund	
	CF134049 – Purchased Congregate & Foster Care	
	Other Expenses	\$ (168,635.88)

Funding Source: The funding source is primarily the Health and Human Services levies.

F.	24A435 – Cuyahoga Tapestry System of Care	<b>BA1400720</b>
	CF135004 – Cuyahoga Tapestry System of Care	
	Other Expenses	\$ (10.41)

Funding Source: The funding source is primarily the Health and Human Services levies.

G.	29A391 – Health and Human Services Levy 4.8	<b>BA1400705</b>
	SU515296 – Social Impact Fin Fund Subsidy	
	Other Expenses	\$ 1,000,000.00

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

H.	21A022 – Sisters of Charity Foun. Of N.E.S.T. Program	<b>BA1400706</b>
	EC720946 – Sisters of Charity Foun. N.E.S.T. Program	
	Other Expenses	\$ (50,000.00)

Funding Source: The funding source is the Sisters of Charity Foundation.

I.	24A301 – Children and Family Services	<b>BA1400707</b>
	CF135509 – Direct Services	
	Personal Services	\$ (18,000.00)

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.(See corresponding increase, item J, below.)

J.	24A435 – Cuyahoga Tapestry System of Care	<b>BA1400708</b>
	CF135004 – Cuyahoga Tapestry System of Care	
	Personal Services	\$ 18,000.00

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund. (See corresponding decrease, item I, above.)

K.	20A303 – Children Services Fund	<b>BA1400712</b>
	CF134023 – Adoption Services	
	Other Expenses	\$ (550,000.00)

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund. (See corresponding increase appropriation, items L1 and L2, below.)

L1.	24A301 – Children and Family Services	<b>BA1400719</b>
	CF135467 – Administrative Services	
	Other Expenses	\$ 250,000.00

L2.	24A301 – Children and Family Services	
	CF135491 – Information Services	
	Other Expenses	\$ 300,000.00

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund. (See corresponding decrease appropriation, item K, on page 3.)

M.	22A284- SHP Zelma George	<b>BA1400239</b>
	HS758383 –SHP Zelma George '13	
	Other Expenses	\$ 174,731.00

Funding Source: An award from the United States Department of Housing & Urban Development in connection with the Zelma George Link Program for Homeless Assistance programs.

N.	24A640- FCFC Public Assistance FC451492 – Family and Children First Council PA Other Expenses	\$ 85,700.00	<b>BA1400240</b>
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Funding Source: Health and Human Services Levy.

O.	01A001 – General Fund CN017004 – County Council Capital Outlays	\$ (6,155.06)	<b>BA1400681</b>
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Funding Source: The General Fund.

P.	21A869 – Cuyahoga Emergency Communications System CECOMS – Emergency Communications Center CE757658 - CECOMS – Emergency Communications Center Capital Outlays	\$ 35,000.00	<b>BA1400679</b>
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Funding Source: The source of funding is a rebate from the State Ohio Department of Transportation for GIS programs.

Q1.	68A100 – Hospitalization Self-Insurance Fund CC499004 – Hospitalization Self-Insurance Fund Other Expenses	\$ 6,681,381.00	<b>BA1400682</b>
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Q2.	20A195 – Self-Insurance Regionalization CC499509 – Self-Insurance Regionalization Other Expenses	\$ 2,150,419.00	
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Funding Source: The source of funding for the Hospitalization Self-Insurance Fund is agency and employee contributions to health plans.

R.	61A607 – Centralized Custodial Services CT577411 – Buildings and Grounds – Other Services Other Expenses	\$ 1,600,000.00	<b>BA1400684</b>
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Funding Source: The Custodial Fund receives funding from charges to user agencies for space maintenance (see related appropriation transfer, item E on page 12).

S.	21A342 – Northeast Ohio Regional Fusion Center-FY09 (NEORFC) JA767996 – Northeast Ohio Regional Fusion Center-FY09 (SHSPLE) Personal Services Other Expenses	\$ 53,646.50 \$ 54,853.50	<b>BA1400372</b>
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Funding Source: Funding is from the United States Department of Homeland Security covering the period September 1, 2011 through March 15, 2015.

T.	01A001 – General Fund	<b>BA1400464</b>
	MT805432 – Municipal Judicial Costs	
	Other Expenses	\$ 583,040.00

Funding Source: Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

U.	01A001 – General Fund	<b>BA1400465</b>
	MI512657 – Miscellaneous Obligations	
	Other Expenses	\$ 603,835.00

Funding Source: Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

V.	20A814 – Wireless 911	<b>BA1400467</b>
	JA106773 – Wireless 911 CECOMS	
	Other Expenses	\$ 3,000,000.00

Funding Source: Funding is from cell phone charges covering the period January 1, 2014 through December 31, 2014. Sufficient funds exists in the account for the request.

W.	22A105 – HUD Section 108	<b>BA1400468</b>
	DV711606-HUD Section 108	
	Other Expenses	\$ 507,137.51

Funding Source: Funding is from the United States Department of Housing and Urban Development covering the period January 1, 2014 through December 31, 2014.

X.	21A837 – State Homeland Security (SHSG)	<b>BA1400487</b>
	JA763532-SHSP 13 Sustainment Teams and Regional Capabilities 13/15	
	Personal Services	\$ 12,865.50
	Capital Outlays	\$ 244,387.50

Funding Source: A grant award from the United States Department of Homeland Security covers the period September 1, 2013 through May 30, 2015.

Y.	21A837 – State Homeland Security (SHSG)	<b>BA1400488</b>
	JA763516-SHSP 13 Specialty Team Sustainment 13/15	
	Personal Services	\$ 3,750.00
	Other Expenses	\$ 15,000.00
	Capital Outlays	\$ 60,000.00

Funding Source: A grant award from the United States Department of Homeland Security covers the period September 1, 2013 through May 30, 2015.

Z.	21A837 – State Homeland Security (SHSG)	<b>BA1400489</b>
	JA763524-SHSP 13 Region 2 Training and Exercise 13/15	
	Personal Services	\$ 10,132.50
	Other Expenses	\$ 187,517.50
	Capital Outlays	\$ 5,000.00

Funding Source: A grant award from the United States Department of Homeland Security covers the period September 1, 2013 through May 30, 2015.

AA.	21A837 – State Homeland Security (SHSG)	<b>BA1400490</b>
	JA763540-SHSP 13 Special Response Water Rescue Team	
	Sustainment 13/15	
	Personal Services	\$ 4,307.30
	Capital Outlays	\$ 86,146.00

Funding Source: A grant award from the United States Department of Homeland Security covers the period September 1, 2013 through May 30, 2015.

AB.	20A600 – Cuyahoga Support Enforcement Agency	<b>BA1400351</b>
	SE496000– Child Support Enforcement Agency	
	Other Expenses	\$ (10,000.00)

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

AC.	20A606 – Fatherhood Initiative	<b>BA1400358</b>
	SE507152– Fatherhood Initiative	
	Other Expenses	\$ 10,000.00

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

AD.	24A510 – Work and Training Admin	<b>BA1400713</b>
	WT137109– Admin Services-General Manager	
	Other Expenses	\$ (390,000.00)

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

AE.	24A430 – Executive Office of HHS	<b>BA1400714</b>
	HS157289– Executive Office H&HS	
	Other Expenses	\$ 390,000.00

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

AF.	24A510 – Work & Training Admin	<b>BA1400729</b>
	WT137141– Client Support Services	
	Other Expenses	\$ 400,000.00

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

AG.	24A510 – Work and Training WT137315 – Work First Services Other Expenses	\$ 42,927.00	<b>BA1400729</b>
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Funding Source: HHS Job and Family Services is funded by Federal, State, and HHS Levy Fund resources.

AH1.	24A530 – Children With Medical Handicap WT137935 – Children With Medical Handicaps Other Expenses	\$ 380,000.00	<b>BA1400743</b>
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AH2.	29A391 – Health & Human Services Levy 4.8 SU514323 – Children With Medical Handicaps Other Expenses	\$ 380,000.00	<b>BA1400744</b>
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Funding Source: The funding source is Health and Human Services Levy fund.

AI.	40A069 – Capital Project Future Debt Issuance IT768341 – Sun Replacement Capital Outlays	\$ 300.00	<b>BA1400495</b>
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Funding Source: Funding for the new servers will come from future debt issuance.

AJ.	40A069 – Capital Project Future Debt Issuance CC768564 – Sheriff’s Shooting Range Personal Services Other Expenses Capital Outlays	\$ 105,000.00 \$ 321,929.50 \$ 1,973,070.50	<b>BA1400742</b>
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Funding Source: Funding for the Sheriff’s Shooting Range Project will come from future debt issuance. This is a temporary use of General Fund reserves.

AK1.	40A069 – Capital Projects Future Debt Issuance IT768549 – Blade Server Refresh Capital Outlay	\$ 275,000.00	<b>BA1400493</b>
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AK2.	40A069 – Capital Projects Future Debt Issuance IT768556 – VoIP Refresh Capital Outlay	\$ 110,750.00	<b>BA1400493</b>
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Funding Source: Funding for the Blade Server Refresh and the VoIP Refresh will come from future debt issuance. This is a temporary use of General Fund reserves.

AL.	64A601 – Fiscal – County Supplies FS109751 – Fiscal – County Supplies Other Expenses	\$ (153,820.79)	<b>BA1400325</b>
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Funding Source: The source of funding is from charges to user agencies for supplies purchases.



AM.	01A001 – Financial Reporting FS109637 – Financial Reporting Other Expenses	\$ (92,368.91)	<b>BA1400326</b>
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Funding Source: The source of funding is general fund.

**SECTION 2.** That the 2014/2015 Biennial Operating Budget for 2014 be amended to provide for the following appropriation transfers:

<u>Fund Nos./Budget Accounts</u>	<u>Journal Nos.</u>
A. FROM:	01A001 – General Fund PD140053 – Public Defender Personal Services
	\$ 200,000.00
TO:	01A001 – General Fund PD140053 – Public Defender Other Expenses
	\$ 200,000.00

Funding Source: Funding comes from the General Fund.

B. FROM:	24A301 – Children and Family Services CF135509 – Direct Services Personal Services	\$ 349,000.00	<b>BA1400709</b>
TO:	24A301 – Children and Family Services CF135442 – Caregiver Parent Recruitment Personal Expenses	\$ 29,000.00	
	24A301 – Children and Family Services CF135525 – Supportive Services Personal Services	\$ 83,000.00	
	24A301 – Children and Family Services CF135541 – Multi – Systemic (MST) Unit Personal Services	\$ 66,000.00	
	24A301 – Children and Family Services CF135582 – Permanent Custody Adoptions Personal Services	\$ 96,000.00	
	24A301 – Children and Family Services CF135608 – Contracted Placements Personal Services	\$ 75,000.00	

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

C. FROM:	24A301 – Children and Family Services CF135467 – Administrative Services Other Expenses	\$ 92,000.00	<b>BA1400710</b>
TO:	24A301 – Children and Family Services CF135483 – Training Other Expenses	\$ 17,000.00	
TO:	24A301 – Children and Family Services CF135509 – Direct Services Other Expenses	\$ 16,000.00	
TO:	24A301 – Children and Family Services CF135525 – Supportive Services Other Expenses	\$ 44,000.00	
TO:	24A301 – Children and Family Services CF135582 – Permanent Custody Adoptions Other Expenses	\$ 8,000.00	
TO:	24A301 – Children and Family Services CF135608 – Contracted Placements Other Expenses	\$ 1,000.00	
TO:	24A301 – Children and Family Services CF135616 – CFS Foster Homes/Resource Management Other Expenses	\$ 6,000.00	

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

D. FROM:	20A303 – Children Services Fund CF134023 – Adoption Services Other Expenses	\$ 175,000.00	<b>BA1400711</b>
TO:	20A303 – Children Services Fund CF134015 – Client Supportive Services Other Expenses	\$ 65,000.00	
TO:	20A303 – Children Services Fund CF134031 – CFS Foster Care Other Expenses	\$ 110,000.00	

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

E. FROM:	01A001 – General Fund HR018010 – Human Resources Administration Personal Services Other Expenses	\$ 150,000.00 \$ 50,000.00	<b>BA1400683</b>
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TO: 01A001 – General Fund  
 HR018010 – Human Resources Administration  
 Capital Outlays \$ 200,000.00

Funding Source: Funding comes from the General Fund.

F. FROM: 61A607 – Centralized Custodial Fund **BA1400685**  
 CT577379 – Buildings and Grounds – Custodial Services  
 Personal Services \$ 200,000.00  
 Other Expenses \$ 100,000.00

TO: 61A607 – Centralized Custodial Fund  
 CT577395 – Buildings and Grounds – Trades Services  
 Personal Services \$ 300,000.00

Funding Source: The Custodial Fund receives funding from charges to user agencies for space maintenance (see related additional appropriation, item R, on page 5).

G. FROM: 22A960 – CDBG Year 39 2013 **BA1400483**  
 DV714154 –CDBG Economic Development Operating 2013  
 Personal Services \$ 24,395.96

TO: 22A960– Community Development Block Grant Year 39 2013  
 DV714154 –CDBG Economic Development Operating 2013  
 Other Operating \$ 24,395.96

Funding Source: Funding is from the United States Department of Housing and Urban Development covering the period January 1, 2013 through December 31, 2014.

H. FROM: 22A040 – Lead Hazard Reduction Grant **BA1400499**  
 DV708974 –Lead Hazard Reduction Grant 11-14  
 Other Expenses \$ 6,061.30

TO: 22A040– Lead Hazard Reduction Grant  
 DV708974 –Lead Hazard Reduction Grant 11-14  
 Capital Outlays \$ 6,061.30

Funding Source: Funding is from the United States Department of Housing and Urban Development covering the period January 1, 2011 through December 31, 2014.

I. FROM: 24A601 – Senior and Adult Services **BA1400354**  
 SA138479 –Protective Services  
 Personal Services \$ 30,000.00

TO: 24A601 – Senior and Adult Services  
 SA138479 – Protective Services  
 Other Expenses \$ 30,000.00

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.

J. FROM: 24A510 – Work & Training Admin **BA1400361**  
WT137109 –Admin Services-General Manager  
Other Expenses \$ 30,000.00

TO: 24A510 – Work & Training Admin  
WT137315 – Work First Services  
Other Expenses \$ 30,000.00

Funding Source: The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

K. FROM: 01A001 – Communications Services **BA1400322**  
IT601161 – Communications Services  
Other Expenses \$ 153,589.00

TO: 01A001 – Security and Disaster Recovery  
IT601088 – Security and Disaster Recovery  
Capital Outlays \$ 153,589.00

Funding Source: The source of funding is General Fund.

L. FROM: 01A001 – Engineering Services **BA1400323**  
IT601096 – Engineering Services  
Other Expenses \$ 100,000.00

TO: 01A001 – Operations Support  
IT601104 – Operations Support  
Other Expenses \$ 100,000.00

Funding Source: The source of funding is general fund.

M. FROM: 01A001 – Information Technology Administration **BA1400324**  
IT601021 – Information Technology Administration  
Other Expenses \$ 6,000.00

TO: 01A001 – Information Technology Administration  
IT601021 – Information Technology Administration  
Capital Outlays \$ 6,000.00

Funding Source: The source of funding is General Fund.

N. FROM: 20A301 – Board of Revision – Assessment Fund **BA1400327**  
BR420067 – Board of Revision – Assessment Fund  
Personal Services \$ 200,000.00  
Other Expenses \$ 400,000.00

TO: 20A301 – Fiscal Operation – Tax Assessments  
FS109702 – Fiscal Operation – Tax Assessments  
Other Expenses \$ 600,000.00

Funding Source: The source of funding is real estate assessment fund.

O. FROM: 01A001 – Personnel Review Commission **BA1400328**  
 HC019018 – Personnel Review Commission  
 Personal Services \$ 25,000.00

TO: 01A001 – Personnel Review Commission  
 HC019018 – Personnel Review Commission  
 Capital Outlays \$ 25,000.00

Funding Source: The source of funding is General Fund.

P. FROM: 01A001 – Fiscal Operations – Contractual Services **BA1400329**  
 FS109652 – Fiscal Operations – Contractual Services  
 Other Expenses \$ 92,727.00

TO: 01A001 – Fiscal Operations – Records/Licenses/Outreach  
 FS109645 – Fiscal Operations – Records/Licenses/Outreach  
 Other Expenses \$ 92,727.00

Funding Source: The source of funding is General Fund.

Q. FROM: 20N306 – Soil and Water Conservation District **BA1400686**  
 SW500058 – Soil and Water Conservation District  
 Other Expenses \$ 1,000.00

TO: 20N306 – Soil and Water Conservation District  
 SW500058 – Soil and Water Conservation District  
 Capital Outlays \$ 1,000.00

Funding Source: The District receives funding from municipalities for pollution prevention technical services and education, from a County General Fund subsidy of \$75,000 for a portion of the personnel expenses, and a match of local funding from the Ohio Department of Natural Resources.

**SECTION 3.** That the 2014/2015 Biennial Operating Budget for 2014 be amended to provide for the following cash transfers between County funds:

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

A. FROM: 29A391 – Health and Human Services Levy 4.8 **JT1400023**  
 SU514596 - Alcohol Drug Addiction Mental Health 4.8  
 Transfer Out \$ 4,920,457.00

29A392 – Health and Human Services Levy 3.9  
 SU514729– Alcohol Drug Addiction Mental Health 3.9  
 Transfer Out \$ 4,920,457.00

TO: 20A317 – ADAMHSBCC  
 MH431056 – BH - Administrative Oper Budget  
 Revenue Transfer \$ 9,840,914.00

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

B. FROM:	20A301 – Real Estate Assessment Fund	<b>JT1400043</b>
	FS109702 – Fiscal Operations – Tax Assessments	
	Transfer Out	\$ 690,787.00
TO:	26A601 – General Gas and License Fees	
	CE835025 – County Engineer Administration	
	Revenue Transfer	\$ 690,787.00

Funding Source: Funding comes from fees on real estate taxes.

C. FROM:	20A301 – Real Estate Assessment Fund	<b>JT1400044</b>
	FS109702 – Fiscal Operations – Tax Assessments	
	Transfer Out	\$ 694,523.00
TO:	20A819 – Geographic Information System	
	IT470591 – Geographic Information System	
	Revenue Transfer	\$ 694,523.00

Funding Source: Funding comes from fees on real estate taxes.

D. FROM:	20A814–Wireless 9-1-1 Government Assistance	<b>JT1400032</b>
	JA106773– Wireless 9-1-1 Government Assistance	
	Transfer Out	\$ 3,000,000.00
TO:	40A067 –Emergency Operations Center Capital Project	
	CC768192 –Emergency Operations Center Capital Project	
	Revenue Transfer	\$ 3,000,000.00

Funding Source: Funding is from cell phone charges in the Wireless 9-1-1 account covering the period January 1, 2014 through December 31, 2014 (See related additional appropriation, item V on page 6).

E. FROM:	21A243–Ohio Second Chance	<b>JT1400033</b>
	JA748889– Ohio Second Chance	
	Transfer Out	\$ 251,142.53
TO:	01A001 –General Fund	
	JA302224 –Public Safety Grants Administration	
	Revenue Transfer	\$ 251,142.53

Funding Source: Funding was from the Ohio Department of Alcohol and Drug Addiction Services covering the period May 1, 2006 through April 30, 2008.

F. FROM:	29A391 – Health & Human Services Levy 4.8	<b>JT1400050</b>
	SU514323 – Children With Medical Handicaps	
	Transfer Out	\$ 380,000.00

TO: 24A530 – Children With Medical Handicap  
 WT137935 – Children With Medical Handicap  
 Revenue Transfer \$ 380,000.00

Funding Source: The Health and Human Services Levy Fund is supported by property taxes.

G1. FROM: 29A391 – Health and Human Services Levy 4.8 **JT1400024**  
 SU514299 – Children & Family Services Subsidy  
 Transfer Out \$ 8,232,386.00

FROM: 29A392 – Health and Human Services Levy 3.9  
 SU515098 – Children & Family Services Subsidy  
 Transfer Out \$ 8,232,386.00

TO: 24A301 – Public Assistance Children and Family Services  
 CF135467 – Administrative Services - CFS  
 Revenue Transfer \$ 16,464,772.00

G2. FROM: 29A391 – Health and Human Services Levy 4.8  
 SU514315 – Children’s Services Fund Subsidy  
 Transfer Out \$ 10,403,542.75

FROM: 29A392 – Health and Human Services Levy 3.9  
 SU514620 – Children’s Services Fund Subsidy  
 Transfer Out \$ 10,403,542.75

TO: 20A303 – Children’s Services Fund  
 CF134049 – Children’s Services Fund  
 Revenue Transfer \$ 20,807,085.50

G3. FROM: 29A391 – Health and Human Services Levy 4.8 **JT1400041**  
 SU514414 – Senior and Adult Services Subsidy  
 Transfer Out \$ 3,728,997.50

FROM: 29A392 – Health and Human Services Levy 3.9  
 SU5514638 – Senior and Adult Subsidy 3.9  
 Transfer Out \$ 3,728,997.50

TO: 24A601 – Public Assistance - Senior and Adult Services  
 SA138321 – Administrative Services - SAS  
 Revenue Transfer \$ 7,457,995.00

Funding Source: The Health and Human Services Levy Fund is funded by general property taxes.

H1. FROM: 29A392 – Health and Human Services Levy 3.9 **JT1400040**  
 SU514737 – Employment and Family Subsidy 3.9  
 Transfer Out \$ 515,912.90

TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$ 515,912.90
H2. FROM:	29A392 – Health and Human Services Levy 3.9 SU514737 – Employment and Family Subsidy 3.9 Transfer Out	\$ 134,150.07
TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$ 134,150.07
H3. FROM:	29A391 – Health and Human Services Levy 4.8 SU514430 – Employment and Family Subsidy 4.8 Transfer Out	\$ 841,752.62
TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$ 841,752.62
H4. FROM:	29A391 – Health and Human Services Levy 4.8 SU514430 – Employment and Family Subsidy 4.8 Transfer Out	\$ 218,876.43
TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$ 218,876.43

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

I. FROM:	20A658 – Fiscal Operations – Title Bureau FS109694 – Fiscal Operations – Title Bureau Transfer Out	\$ 500,000.00	<b>JT1400045</b>
TO:	01A001 – Fiscal Office Administration FS109611 – Fiscal Office Administration Revenue Transfer	\$ 500,000.00	

Funding Source: Funding is generated from fees associated with Auto Titles.

**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







EDWARD FITZGERALD  
Cuyahoga County Executive

September 2, 2014

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 September 9, 2014, 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.

Temporary/Permanent Use of Reserves	Amount
Capital Project/Information Services – Additional appropriation to cover the actual cost of new servers countywide. The original request was \$176,000 and the actual costs will be \$176,300. Funding is from a future debt issuance. This is a temporary use of General Fund reserves.	\$300.00
Capital Project/Sheriff's Shooting Range – To appropriate the Sheriff's Shooting Range project to cover design and building of the range. Funding will come from a future debt issuance. This is a temporary use of General Fund reserves.	\$2,400,000.00
Capital Project/Blade Server Refresh/VoIP Refresh – To appropriate the Blade Server Refresh project (\$275,000) to replace and consolidate 50 servers, and the VoIP Refresh project (\$110,750) to replace 4,430 phones. Funding is from a future debt issuance. This is a temporary use of General Fund reserves.	\$385,750.00
<b>TOTAL</b>	<b>\$2,786,050.00</b>

General Fund/Health & Human Services	Amount
Office of Homeless Services – Additional appropriation for the Family Overflow 2014 due to an increase in nightly demand for additional beds. Funding is from the Health and Human Services Levy Fund.	\$80,000.00
Children and Family Services – Decreasing appropriation for aged encumbrances that have been decertified encumbrances within Adoption Services and Purchased Congregate and Foster Care accounts. Funding is from the Health and Human Services Levy Fund.	-\$525,438.88
Children and Family Services – Decreasing appropriation in the Cuyahoga Tapestry System of Care account due to decertification of aged encumbrances. Funding is from the Health and Human Services Levy Fund.	-\$10.41
Social Impact Financing Fund (Pay for Success) – To establish appropriations for the Social Impact Financing Fund to fund contracts to improve outcomes and lower costs. Funding is from the Health and Human Services Levy Fund.	\$1,000,000.00
<b>Q2 - Children and Family Services – A decrease of appropriation from Direct Services with a</b>	<b>\$0.00</b>

corresponding increase to Cuyahoga Tapestry System of Care to cover projected shortfalls in personal services. Funding is from the Health and Human Services Levy, as well as Federal and State sources. (\$18,000.00.)	
<b>Q2</b> - Children and Family Services – A decrease of appropriation from Adoption Services with corresponding increases to Administrative Services (\$250,000) and Information Services (\$300,000) to cover projected shortfalls due to new contracts and initiatives. Funding is from the Health and Human Services Levy Fund, as well as Federal and State sources.	\$0.00
<b>Q2</b> - Family and Children First Council – Additional appropriation to cover Closing the Achievement Gap contract to include the Cleveland Height/University Heights school districts. Funding is from the Health & Human Services Levy Fund.	\$85,700.00
<b>Q2</b> - County Council – Decreasing appropriation to remove excess appropriation allocated for equipment that has already been purchased. Funding is from the General Fund.	-\$6,155.06
<b>Q2</b> - Municipal Judicial Costs – Additional appropriation to provide sufficient appropriation for personal services through year-end that was not included in the original 2014 budget and assigned council costs. Funding is from the General Fund.	\$583,040.00
<b>Q2</b> - Miscellaneous Obligations – Increase in appropriation to provide Public Defender reimbursement payments to the City of Cleveland collected from the State Public Defenders’ Office.	\$603,835.00
<b>Q2</b> - Child Support Enforcement Agency/Fatherhood Initiative – A decrease of appropriation from Child Support Enforcement with a corresponding increase to Fatherhood Initiative to properly account for space maintenance charges. Funding is from the Health and Human Services Levy Fund. (\$10,000)	\$0.00
Job and Family Services/Office of Health & Human Services – A decrease in appropriation from Job and Family Services with a corresponding increase to the Office of Health and Human Services to cover controlled costs through year-end. Funding is from the Health & Human Services Levy Fund. (\$390,000)	\$0.00
Job and Family Services – Increasing appropriation to cover Medicaid Non-Emergency Transportation (NET) due to increased service costs. Funding is from the Health and Human Services Levy Fund, as well as Federal and State sources.	\$400,000.00
<b>Q2</b> - Job and Family Services/Children w/Medical Handicaps – Increase in appropriation to cover pending medical relief payments through year-end. Funding is the Health & Human Services Levy Fund.	\$760,000.00
<b>Q2</b> - Fiscal Office – A decrease in appropriation from an unexpended balance on State of Ohio 2012 Audit contract. Funding is from the General Fund.	-\$92,368.91
<b>TOTAL</b>	<b>\$2,888,601.74</b>

<b>Other Operating Funds</b>	<b>Amount</b>
<b>Q2</b> - Public Defender/Cleveland Municipal Division – Additional appropriation to cover increased expenditures. Funding is from the City of Cleveland and reimbursed by the State of Ohio’s Public Defender Commission to the City at a rate of 35% less a 3% administrative fee assessed by the County.	\$100,000.00
Cuyahoga Emergency Communications System – Increasing appropriation to purchase geographic information system software. Funding is from a State of Ohio Department of Transportation rebate.	\$35,000.00
<b>Q2</b> - Hospitalization Self Insurance Fund/Self-Insurance Regionalization – Additional appropriation to cover higher claim costs and for increased participation in the Benefits Regionalization program. Funding is from charges to political subdivisions for these costs.	\$8,831,800.00

<b>Q2</b> - Public Works/Building and Grounds – Additional appropriation to cover remaining year utilities expenses for County owned buildings. Funding is from charges to user agencies for space maintenance.	\$1,600,000.00
<b>Q2</b> - Public Safety & Justice Services/Wireless 9-1-1 – Additional appropriation to cover a cash transfer to the Emergency Operations Center. Funding is from cell phone charges.	\$3,000,000.00
Fiscal Office/County Supplies – Decreasing appropriation of unexpended balance of the expired Staples contract. Funding is from charges to user agencies.	-\$153,820.79
<b>TOTAL</b>	<b>\$13,412,979.21</b>

<b>Grants/Projects</b>	<b>Amount</b>
Common Pleas Court/Treatment Alternatives to Street Crimes (TASC) – To appropriate grant from the Ohio Department of Mental Health and Addiction Services (\$483,985) and supplemental award from the Alcohol, Drug Addiction and Mental Health Services Board (ADAMHS) (\$13,245).	\$497,230.00
Common Pleas Court/TASC Drug Court – To appropriate grant from the Ohio Department of Mental Health and Addiction Services (\$137,910) and a supplemental award from the ADAMHS Board (\$82,590)	\$220,500.00
Office of Early Childhood – Decreasing appropriation from the Sisters of Charity Foundation for the Networking for Engagement, Stability and Transformation (N.E.S.T.) Program grant. The decreased amount will be repurposed into the Pay for Success project.	-\$50,000.00
Office of Homeless Services – To appropriate the U.S. Department of Housing and Urban Development’s Zelma George Link Program grant for the 2013 McKinney – Vento homeless assistance program.	\$174,731.00
Public Safety and Justice Services/Northeast Ohio Regional Fusion Center – To appropriate additional funding from the U.S. Department of Homeland Security for the FY2009 State Homeland Security Program Law Enforcement.	\$108,500.00
Development – To appropriate revenue received from loan recipients to cover payment of fees, interest and principle per guidelines of the program. Funding is from the U.S. Department of Housing and Urban Development.	\$507,137.51
Public Safety and Justice Services/State Homeland Security (SHSG) – To appropriate the Sustainment Teams and Regional Capabilities grant (\$257,253), the 2013 Specialty Team Sustainment grant (\$78,750), the 2013 Region 2 Training and Exercise grant (\$202,650), and the 2013 Special Response Water Rescue Team Sustainment grant (\$90,453.30) from the U.S. Department of Homeland Security.	\$629,106.30
Job and Family Services/Work First Services – To appropriate a grant award from the Ohio Department of Job and Family Services to cover the employment of area students.	\$42,927.00
<b>TOTAL</b>	<b>\$2,130,131.81</b>

<b>Total Additional Appropriations - All Funds</b>	<b>\$21,217,762.76</b>
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The following represents the overall changes made to the Annual Appropriation Measure for 2014 since its adoption on December 10, 2013 Resolution R2013-0229. The changes reflect the Additional Appropriations, Appropriation Transfers and Cash Transfers to the original adopted appropriation resolution.

**APPROPRIATION STATUS SUMMARY:**

	<u>09/09/14 Agenda</u>	<u>R2013-0229*</u>	<u>Adjusted Annual Appropriation</u>
General Fund Impact	\$ 1,088,351.03	\$ 377,204,012.00	\$ 382,130,330.72
HHS Levy Impact	\$ 1,800,250.71	\$ 235,311,170.00	\$ 237,804,788.32
Other Fund Impact	\$ <u>18,329,161.02</u>	\$ <u>693,095,162.00</u>	\$ <u>949,763,381.21</u>
<b>Total Impact</b>	<b>\$ 21,217,762.76</b>	<b>\$1,305,610,344.00</b>	<b>\$ 1,569,698,500.25</b>

\* 2014-2015 appropriation levels adopted by resolution R2013-0229 on December 10, 2014.

**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>
<b>Q2</b> - Public Defender – Realigning appropriation from personal services to other expenses to cover increase in expert witness fees. Funding is from the General Fund.	\$200,000.00
<b>Q2</b> - Children and Family Services – Realigning appropriation from Direct Services to various funds to cover projected personal services shortfalls due to various realignments of staff through year-end. Funding is from the Health and Human Services Levy Fund.	\$349,000.00
<b>Q2</b> - Children and Family Services – Realigning appropriation from Administrative Services to various funds to cover shortfalls in other expenses through year-end. Funding is from the Health and Human Services Levy Fund.	\$92,000.00
<b>Q2</b> - Children and Family Services – Realigning appropriation to cover projected shortfalls in other expenses through year-end. Funding is from the Health and Human Services Levy Fund.	\$175,000.00
<b>Q2</b> - Human Resources – Realigning appropriation to cover the replacement of time clocks used by the Public Works’ maintenance employees. Funding is from the General Fund.	\$200,000.00
<b>Q2</b> - Senior and Adult Services – Realigning appropriation within Protective Services due to the client emergency funds being exhausted. Funding is from the Health and Human Services Levy Fund, the Public Assistance allocations, and fees for direct services provided to clients.	\$30,000.00
<b>Q2</b> - Job and Family Services – Realigning appropriation to cover projected commodity expenses through year-end. Funding is from the Health and Human Services Levy Fund, as well as Federal and State sources.	\$30,000.00
<b>Q2</b> - Information Technology – Realigning appropriation to cover the Barracuda Web-filtering security contract. Funding is from the General Fund.	\$153,589.00
<b>Q2</b> - Information Technology – Realigning appropriation to cover the electrical equipment to be installed in the Sterling Building. Funding is from the General Fund.	\$6,000.00
<b>Q2</b> - Personnel Review Commission – Realigning appropriation to cover the purchase of civil service testing equipment. Funding is from the General Fund.	\$25,000.00
<b>Q2</b> - Fiscal Office – Realigning appropriation to cover a purchase order for microfilm supplies. Funding is from the General Fund.	\$92,727.00
<b>TOTAL</b>	<b>\$1,353,316.00</b>
<b>Other Operating Funds</b>	<b>Amount</b>
<b>Q2</b> - Public Works – Realigning appropriation to cover the remaining year payroll expenses for trades services. Funding is from charges to user agencies for space maintenance.	\$300,000.00
<b>Q2</b> - Board of Revision/Fiscal Operation – Realigning appropriation to cover the Pictometry contract. Funding is from the real estate assessment fund.	\$600,000.00
<b>Q2</b> - Soil and Water Conservation District - Realigning appropriation to cover the purchase of a computer. Funding is from municipalities and the Ohio Department of Natural Resources.	\$1,000.00
<b>TOTAL</b>	<b>\$901,000.00</b>
<b>Grants/Projects</b>	<b>Amount</b>
<b>Q2</b> - Development – Realigning appropriations within the Community Development Block grant (CDBG) Economic Development Operating 2013 account for pending space and indirect charges. Funding is from the United States Department of Housing and Urban Development.	\$24,395.96
<b>Q2</b> - Development – Realigning appropriations within the Lead Hazard Reduction Grant account for pending capital purchases. Funding is from the United States Department of Housing and Urban Development.	\$6,061.30
<b>TOTAL</b>	<b>\$30,457.26</b>
<b>Total Appropriation Transfers - All Funds</b>	<b>\$2,284,773.26</b>

**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.

<b>General Fund/Health &amp; Human Services *</b>	<b>Amount</b>
<b>Q2</b> - Alcohol, Drug Addiction and Mental Health Services Board – A cash transfer to disburse the 2014 second quarter subsidy payment. Funding is from the Health and Human Services Levy Fund.	\$9,840,914.00
<b>Q2</b> - Health and Human Services Levy Subsidy/Job and Family Services' Children w/ Medical Handicaps – A cash transfer to cover the cost of pending medical relief payments through year-end. Funding is from the Health and Human Services Levy Fund.	\$380,000.00
<b>Q2</b> - Health and Human Services Levy Subsidy – A cash transfer to various Human Services agencies of the 2014 first half subsidies. Funding is from the Health and Human Services Levy Fund.	\$44,729,852.50
Health and Human Services Levy Subsidy – A cash transfer to cover the required mandated share of Temporary Assistance to Needy Families (TANF) and Non-TANF related administration for Medicaid and food related expenditures. Funding is from the Health and Human Services Levy Fund.	\$1,710,692.02
<b>TOTAL</b>	<b>\$56,661,458.52</b>

<b>Other Operating Funds</b>	<b>Amount</b>
Fiscal Office/Public Works - A cash transfer to pay for the subsidy for the Department of Public Works' Road and Bridge Tax Map office. Funding is from fees on real estate taxes.	\$690,787.00
Fiscal Office/Information Technology – A cash transfer to provide for the County's Geographic Information System (GIS). Funding is from fees on real estate taxes.	\$694,523.00
<b>Q2</b> - Public Safety and Justice Services – A cash transfer to the Emergency Operations Center capital project to provide partial funding from the special revenue Wireless 9-1-1 fund. Funding is from cell phone charges.	\$3,000,000.00
<b>Q2</b> - Fiscal Office – A cash transfer to provide support to General Fund Operations. Funding is from Auto Title fees.	\$500,000.00
<b>TOTAL</b>	<b>\$4,885,310.00</b>

<b>Grants/Projects</b>	<b>Amount</b>
Public Safety and Justice Services – A cash transfer from the Ohio Second Chance grant to the Public Safety Grants Administration General Fund account to complete grant closure. Funding is from the Ohio Department of Alcohol and Drug Addiction Services	\$251,142.53
<b>TOTAL</b>	<b>\$251,142.53</b>

<b>Total Cash Transfers - All Funds</b>	<b>\$61,797,911.05</b>
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Thank you for your consideration regarding this matter.

Sincerely,



W. Christopher Murray, II  
 Interim Director, Office of Budget & Management  
[cmurray@cuyahogacounty.us](mailto:cmurray@cuyahogacounty.us)  
 (216) 443-7175  
 Fax: (216) 443-8193



EDWARD FITZGERALD  
Cuyahoga County Executive

## MEMORANDUM

TO: Jeanne Schmotzer, Clerk of Council

FROM: W. Christopher Murray, II, Interim Director, Office of Budget & Management

DATE: September 2, 2014

RE: Fiscal Resolution 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 September 9, 2014. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

### **Resolution: Additional Appropriations**

A.	20A804 – Public Defender – Cleveland Municipal Division	<b>BA1400740</b>
	PD141028 – Public Defender – Cleveland Municipal Division	
	Personal Services	\$ 95,000.00
	Other Expenses	\$ 5,000.00

The Public Defender provides services for the Cleveland Municipal Division and receives reimbursement for the expenses. The original budget for this division was based on the first two quarters of 2013, and expenditures have since increased. The requested increase would avoid the deficit projected in the second quarter projections. The funding to pay for these services comes from the City of Cleveland and reimbursed by the State of Ohio's Public Defender Commission to the City of Cleveland at the rate of 35% less a 3% administrative fee assessed by the County.

B.	21A165 – TASC FY2015	<b>BA1400491</b>
	CO754648 – Treatment Alternative Street Crime	
	Personal Services	\$ 483,849.00
	Other Expenses	\$ 13,381.00

The Common Pleas Court received a Treatment Alternatives to Street Crimes (TASC) grant award of \$483,985 from the Ohio Department of Mental Health and Addiction Services (ODMHAS) passed through the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County. The ADAMHS Board supplemented the ODMHAS funds with an additional \$13,245 for a total grant award of \$497,230. The Court has received similar grants in prior years. The funding period is July 1, 2014 through June 30, 2015.

Fiscal Office  
Office of Budget & Management  
2079 E. 9<sup>th</sup> Street, Cleveland, OH 44115, (216) 443-7220, FAX (216) 443-8193  
Ohio Relay Service (TTY) 711

C.	21A182 - TASC Drug Court		<b>BA1400492</b>
	CO754663 – Drug Court FY2015		
	Personal Services	\$	219,411.00
	Other Expenses	\$	1,089.00

The Common Pleas Court received a Treatment Alternatives to Street Crime Stephanie Tubbs Jones Drug Court grant award of \$137,910 from the Ohio Department of Mental Health and Addiction Services (ODMHAS) passed through the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board of Cuyahoga County. The ADAMHS Board supplemented the ODMHAS funds with an additional \$82,590 for a total grant award of \$220,500. The Court has received similar grants in prior years. The funding period is July 1, 2014 through June 30, 2015.

D.	24A641 – PA Homeless Services		<b>BA1400234</b>
	HS158097– PA Homeless Services		
	Other Expenses	\$	80,000.00

The Office of Homeless Services has requested to increase appropriation in the amount of \$80,000.00 for Family overflow 2014 because additional beds have been needed every night, additional funds are required. Even though 22% and 35% respectively of those households were successfully diverted from entering shelter, the remaining demand exceeded the ability of the existing shelter beds to meet the need. The alternative is to refuse families shelter. The funding source is the Health and Human Services Levy Fund.

E1.	20A303 – Children Services Fund		<b>BA1400703</b>
	CF134023 – Adoption Services		
	Other Expenses	\$	(356,803.00)

E2.	20A303 – Children Services Fund		
	CF134049 – Purchased Congregate & Foster Care		
	Other Expenses	\$	(168,635.88)

Appropriation decrease is requested to reduce excess appropriations in Children and Family Services – Public Assistance fund for aged encumbrances that were recently decertified, as a result of unused funds earmarked for prior year contractual services and office supply expenses. The funding source is primarily the Health and Human Services levies.

F.	24A435 – Cuyahoga Tapestry System of Care		<b>BA1400720</b>
	CF135004 – Cuyahoga Tapestry System of Care		
	Other Expenses	\$	(10.41)

Appropriation decrease is requested to reduce excess appropriations in Children and Family Services - Cuyahoga Tapestry System of Care fund for aged encumbrances that were recently decertified, as a result of unused funds earmarked for prior year contractual services and office supply expenses. The funding source is primarily the Health and Human Services levies.

G.	29A391 – Health and Human Services Levy 4.8		<b>BA1400705</b>
	SU515296 – Social Impact Fin Fund Subsidy		
	Other Expenses	\$	1,000,000.00



To establish the Social Impact Financing Fund for the purpose of funding contracts to improve outcomes and lower costs for contracted government services in Cuyahoga County, hereinafter referred to as "Pay for Success". The Social Impact Financing Fund shall fund health and human services to meet the principal goal of improving the welfare of county residents, including outcomes consistent with the implementation of evidence based interventions. The funding source is the Health and Human Services Levy Fund.

H.	21A022 – Sisters of Charity Foun. Of N.E.S.T. Program EC720946 – Sisters of Charity Foun. N.E.S.T. Program Other Expenses	\$ (50,000.00)	<b>BA1400706</b>
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The Office of Early Childhood has requested to decrease appropriation in the amount of \$50,000.00 to amend the grant award from Sisters of Charity Foundation of Cleveland for the Networking for Engagement, Stability and Transformation (N.E.S.T.) Program. The original grant amount was \$75,000.00, it is being reduced to \$25,000.00. The reason for the grant amount reduction is that, N.E.S.T. would be redundant with the soon to launch Pay for Success project, so at the department's request, the Sister of Charity is repurposing the remainder of our grant amount to support this project. The grant period is 4/1/2013 until 12/31/2014. The funding source is the Sisters of Charity Foundation.

I.	24A301 – Children and Family Services CF135509 – Direct Services Personal Services	\$ (18,000.00)	<b>BA1400707</b>
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The Department of Children and Family Services has requested appropriation decrease offset by a corresponding increase to realign appropriations within the department, from the Public Assistance fund to Tapestry System of Care fund to cover projected personal services shortfalls for the remainder of the year, due to various realignments of staff. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.(See corresponding increase, item J, below.)

J.	24A435 – Cuyahoga Tapestry System of Care CF135004 – Cuyahoga Tapestry System of Care Personal Services	\$ 18,000.00	<b>BA1400708</b>
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The Department of Children and Family Services has requested appropriation increase offset by a corresponding decrease to realign appropriations within the department, to the Tapestry System of Care fund from the Public Assistance fund to cover projected personal services shortfalls for the remainder of the year, due to various realignments of staff. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund. (See corresponding decrease, item I, above.)

K.	20A303 – Children Services Fund CF134023 – Adoption Services Other Expenses	\$ (550,000.00)	<b>BA1400712</b>
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The Department of Children and Family Services has requested appropriation decrease offset by a corresponding increase to realign appropriations from the Children Services fund to cover projected shortfalls for the remainder of the year, due to new contracts and initiatives. A transfer of funds out of the Adoption Services index is based on DCFS's projected surplus in this account. The reason for the surplus is that DCFS have less children in adoption placement being paid a subsidy for compared to the same time in 2013. Comparison to the June census between 2013 and 2014 shows approximately a 7% decrease, from 3,848 to 3,549 kids in adoptive placements being subsidized. **The funding source is**

primarily Federal/State as well as the Health and Human Services Levy Fund. (See corresponding increase appropriation, items L1 and L2, below.)

L1.	24A301 – Children and Family Services		<b>BA1400719</b>
	CF135467 – Administrative Services		
	Other Expenses	\$	250,000.00
L2.	24A301 – Children and Family Services		
	CF135491 – Information Services		
	Other Expenses	\$	300,000.00

The Department of Children and Family Services has requested appropriation increase offset by a corresponding increase to realign appropriations to the Public Assistance fund to cover projected shortfalls for the remainder of the year, due to new contracts and initiatives. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund. (See corresponding decrease appropriation, item K, on page 3.)

M.	22A284 - SHP Zelma George		<b>BA1400239</b>
	HS758383 –SHP Zelma George '13		
	Other Expenses	\$	174,731.00

The Office of Homeless Services request additional appropriations due to an award from the United States Department of Housing & Urban Development in connection with the Zelma George Link Program for Homeless Assistance programs for the 2013 McKinney – Vento homeless assistance programs in the amount of \$174,731.00 covering the period February 1, 2014 through February 28, 2016.

N.	24A640 - FCFC Public Assistance		<b>BA1400240</b>
	FC451492 – Family and Children First Council PA		
	Other Expenses	\$	85,700.00

The Family and Children First Council request additional appropriations in order to provide appropriations for the *Closing the Achievement Gap* program for FY14. The districts identified *Closing the Achievement Gap* to assist students with these barriers and reengage the youth and the families in the academic process while preparing the youth for postsecondary opportunities. The county is seeking to add a fourth district, Cleveland Heights/University Heights School District because this district has documented the same challenges that are facing Warrensville, Maple, and Garfield Heights School districts in the amount of \$85,700.00 covering the period August 1, 2014 through December 31, 2015.

O.	01A001 – General Fund		<b>BA1400681</b>
	CN017004 – County Council		
	Capital Outlays	\$	(6,155.06)

A decrease is requested to remove excess appropriation that was originally allocated for equipment that has already been purchased. The Department found savings elsewhere in its budget, so that allocation was not necessary.

P.	21A869 – Cuyahoga Emergency Communications System CECOMS – Emergency Communications Center CE757658 - CECOMS – Emergency Communications Center Capital Outlays	\$ 35,000.00	<b>BA1400679</b>
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An increase is requested to purchase geographic information systems (GIS) software. The source of funding is a rebate from the State Ohio Department of Transportation for GIS programs.

Q1.	68A100 – Hospitalization Self-Insurance Fund CC499004 – Hospitalization Self-Insurance Fund Other Expenses	\$ 6,681,381.00	<b>BA1400682</b>
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Q2.	20A195 – Self-Insurance Regionalization CC499509 – Self-Insurance Regionalization Other Expenses	\$ 2,150,419.00
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An increase is requested to cover higher claims costs in the Hospitalization Self-Insurance Fund and also for increased participation in the Benefits Regionalization program. The source of funding for the Hospitalization Self-Insurance Fund is agency and employee contributions to health plans. The Regionalization program is self-sustaining through charges to political subdivisions for these costs related to participation in the County's health plans.

R.	61A607 – Centralized Custodial Services CT577411 – Buildings and Grounds – Other Services Other Expenses	\$ 1,600,000.00	<b>BA1400684</b>
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An increase is requested to cover the remaining year utilities expenses for County-owned buildings. The facilities division received a \$4.7 million budget reduction that estimated greater savings from the real estate consolidations. The Department of Public Works has been able to save on building operating expenses and is using excess carryover appropriations to mitigate the current year impact of the reductions; a budget update for 2015 will be necessary to reflect the revised estimate. The Custodial Fund receives funding from charges to user agencies for space maintenance (see related appropriation transfer, item E on page 12).

S.	21A342 – Northeast Ohio Regional Fusion Center-FY09 (NEORFC) JA767996 – Northeast Ohio Regional Fusion Center-FY09 (SHSPLE) Personal Services Other Expenses	\$ 53,646.50 \$ 54,853.50	<b>BA1400372</b>
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Increase appropriations in the Northeast Ohio Regional Fusion Center FY2009 State Homeland Security Program-Law Enforcement for additional funding. Funding is from the United States Department of Homeland Security covering the period September 1, 2011 through March 15, 2015.

T.	01A001 – General Fund MT805432 – Municipal Judicial Costs Other Expenses	\$ 583,040.00	<b>BA1400464</b>
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Increase appropriations in the Municipal Judicial Costs budget to provide sufficient appropriations for personal benefits through year end that was not included in the original 2014 budget \$273,051 and

adding \$309,989 for assigned counsel costs. Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

U.	01A001 – General Fund MI512657 – Miscellaneous Obligations Other Expenses	\$ 603,835.00	<b>BA1400465</b>
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Increase appropriations in the Miscellaneous Obligations budget to provide sufficient appropriations for Public Defender reimbursement payments to the City of Cleveland for reimbursements collected from the State Public Defenders Office covering the service period October 1, 2012 through September 30, 2014. Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

V.	20A814 – Wireless 911 JA106773 – Wireless 911 CECOMS Other Expenses	\$ 3,000,000.00	<b>BA1400467</b>
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Increase appropriations in the Department of Public Safety and Justice Services for the CECOMS Wireless 911 account for an operating transfer to the Emergency Operations Center capital project (see operating transfer JT1400032, fiscal item D, on page 16). Funding is from cell phone charges covering the period January 1, 2014 through December 31, 2014. Sufficient funds exists in the account for the request.

W.	22A105 – HUD Section 108 DV711606-HUD Section 108 Other Expenses	\$ 507,137.51	<b>BA1400468</b>
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Provide additional appropriations in the Department of Development Housing and Urban Development (HUD) 108 account for revenues received from loan recipients to be programmed for the payment of fees, interest and principle per guidelines of the program where all revenues are to be available for programming. Funding is from the United States Department of Housing and Urban Development covering the period January 1, 2014 through December 31, 2014.

X.	21A837 – State Homeland Security (SHSG) JA763532-SHSP 13 Sustainment Teams and Regional Capabilities 13/15 Personal Services Capital Outlays	\$ 12,865.50 \$ 244,387.50	<b>BA1400487</b>
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Provide appropriations in the State Homeland Security Grant Program Federal Fiscal Year 2013 Sustainment Teams and Regional Capabilities grant award from the United States Department of Homeland Security passed through the Ohio Emergency Management Agency cover the period September 1, 2013 through May 30, 2015. The grant was accepted by the Contracts and Purchasing Board on February 24, 2014, CPB2014-134.

Y.	21A837 – State Homeland Security (SHSG) JA763516-SHSP 13 Specialty Team Sustainment 13/15 Personal Services Other Expenses Capital Outlays	\$ 3,750.00 \$ 15,000.00 \$ 60,000.00	<b>BA1400488</b>
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Provide appropriations in the State Homeland Security Grant Program Federal Fiscal Year 2013 Specialty Team Sustainment grant award from the United States Department of Homeland Security passed through the Ohio Emergency Management Agency cover the period September 1, 2013 through May 30, 2015. The grant was accepted by the Contracts and Purchasing Board on February 24, 2014, CPB2014-134.

Z.	21A837 – State Homeland Security (SHSG)		<b>BA1400489</b>
	JA763524-SHSP 13 Region 2 Training and Exercise 13/15		
	Personal Services	\$	10,132.50
	Other Expenses	\$	187,517.50
	Capital Outlays	\$	5,000.00

Provide appropriations in the State Homeland Security Grant Program Federal Fiscal Year 2013 Region 2 Training and Exercise grant award from the United States Department of Homeland Security passed through the Ohio Emergency Management Agency cover the period September 1, 2013 through May 30, 2015. The grant was accepted by the Contracts and Purchasing Board on February 24, 2014, CPB2014-134.

AA.	21A837 – State Homeland Security (SHSG)		<b>BA1400490</b>
	JA763540-SHSP 13 Special Response Water Rescue Team Sustainment 13/15		
	Personal Services	\$	4,307.30
	Capital Outlays	\$	86,146.00

Provide appropriations in the State Homeland Security Grant Program Federal Fiscal Year 2013 Special Response Water Rescue Team Sustainment grant award from the United States Department of Homeland Security passed through the Ohio Emergency Management Agency cover the period September 1, 2013 through May 30, 2015. The grant was accepted by the Contracts and Purchasing Board on February 24, 2014, CPB2014-134.

AB.	20A600 – Cuyahoga Support Enforcement Agency		<b>BA1400351</b>
	SE496000– Child Support Enforcement Agency		
	Other Expenses	\$	(10,000.00)

The Department of Jobs and Family Services Office of Child Support Services has requested to decrease appropriation related to space maintenance charges. An offsetting adjustment will be submitted for Fatherhood Initiative. These charges are more properly accounted and budgeted for separately. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

AC.	20A606 – Fatherhood Initiative		<b>BA1400358</b>
	SE507152– Fatherhood Initiative		
	Other Expenses	\$	10,000.00

The Department of Jobs and Family Services Fatherhood Initiative has requested to increase appropriation related to space maintenance charges. An offsetting adjustment will be submitted for the Office of Child Support Services. These charges are more properly accounted and budgeted for separately. The funding source is primarily the Health and Human Services Levy Fund.

AD.	24A510 – Work and Training Admin WT137109– Admin Services-General Manager Other Expenses	\$ (390,000.00)	<b>BA1400713</b>
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The department of Cuyahoga Jobs and Family Services has requested to reduce appropriation with an offsetting increase in the Executive Office of Health and Human Services to cover controlled costs for the remainder of the year. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

AE.	24A430 – Executive Office of HHS HS157289– Executive Office H&HS Other Expenses	\$ 390,000.00	<b>BA1400714</b>
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The Executive Office of Health and Human Services has requested to increase appropriation with an offsetting decrease in the department of Jobs and Family Services to cover controlled costs for the remainder of the year. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

AF.	24A510 – Work & Training Admin WT137141– Client Support Services Other Expenses	\$ 400,000.00	<b>BA1400729</b>
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The Department of Jobs and Family Services has requested to increase appropriation for Medicaid Non-Emergency Transportation (NET) because services have increased from an average of \$125,000/month to \$150,000/month. This request is for the current contract which will end in August 2014. The prior request was related to the new contract that will begin in September 2014. This is a revenue neutral request because the offsetting revenue is Medicaid NET which is 100% pass through to Cuyahoga County for transportation services. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

AG.	24A510 – Work and Training WT137315 – Work First Services Other Expenses	\$ 42,927.00	<b>BA1400729</b>
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To appropriate the additional award received by the HHS Job and Family Services from the Ohio Dept of Job and Family Services for the purpose of employing area students. The total award is now \$4.4 million for 2014. The grant period is April 2014 to October 2014. HHS Job and Family Services is funded by Federal, State, and HHS Levy Fund resources.

AH1.	24A530 – Children With Medical Handicap WT137935 – Children With Medical Handicaps Other Expenses	\$ 380,000.00	<b>BA1400743</b>
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AH2.	29A391 – Health & Human Services Levy 4.8 SU514323 – Children With Medical Handicaps Other Expenses	\$ 380,000.00	<b>BA1400744</b>
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The division of Cuyahoga Jobs and Family Services requests an increase in appropriation to cover pending medical relief payments for the remainder of the year. The funding source is Health and Human Services Levy fund.

AI.	40A069 – Capital Project Future Debt Issuance IT768341 – Sun Replacement Capital Outlays	\$ 300.00	<b>BA1400495</b>
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An increase in appropriation is requested by Information Technology to cover the cost of new servers countywide. The project was originally approved for \$200,000 but initially only \$176,000 was requested in February 2014 based on estimates. The actual cost of the project will be \$176,300. Funding for the new servers will come from future debt issuance.

AJ.	40A069 – Capital Project Future Debt Issuance CC768564 – Sheriff’s Shooting Range Personal Services Other Expenses Capital Outlays	\$ 105,000.00 \$ 321,929.50 \$ 1,973,070.50	<b>BA1400742</b>
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Appropriation is requested for the Sheriff’s Shooting Range Project to design and build a shooting range for the Sheriff’s office which will be located near the NEORSD Southerly Treatment Plant/Cuyahoga Heights. This project was included in the 2014-2018 Capital Improvement Plan as part of the County Executive’s Recommended 2014-2015 budget for \$250,000. Funding for the Sheriff’s Shooting Range Project will come from future debt issuance. This is a temporary use of General Fund reserves.

AK1.	40A069 – Capital Projects Future Debt Issuance IT768549 – Blade Server Refresh Capital Outlay	\$ 275,000.00	<b>BA1400493</b>
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AK2.	40A069 – Capital Projects Future Debt Issuance IT768556 – VoIP Refresh Capital Outlay	\$ 110,750.00	<b>BA1400493</b>
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Appropriation is requested for the Blade Server Refresh and VoIP Refresh projects in the County. The Blade Server Refresh project is needed because the County has 50 servers that will be replaced and consolidated. As a result of the new technology, the consolidation will reduce the number of licenses required to support the environment. The VoIP Refresh project is needed because the County has 6,650 VoIP phones in service today. There are approximately 4,430 phones that are end of life and need replaced. Funding for the Blade Server Refresh and the VoIP Refresh will come from future debt issuance. This is a temporary use of General Fund reserves.

AL.	64A601 – Fiscal – County Supplies FS109751 – Fiscal – County Supplies Other Expenses	\$ (153,820.79)	<b>BA1400325</b>
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A decrease in appropriation is requested based on the unexpended balance of the expired Staples, stockless office supply contract, which has been decertified. The source of funding is from charges to user agencies for supplies purchases.

AM.	01A001 – Financial Reporting		<b>BA1400326</b>
	FS109637 – Financial Reporting		
	Other Expenses	\$	(92,368.91)

A decrease in appropriation is requested based on the unexpended balance of the expired State of Ohio 2012 Audit contract which has been decertified. The source of funding is general fund.



**Resolution: Appropriation Transfers:**

A.	FROM:	01A001 – General Fund		<b>BA1400739</b>
		PD140053 – Public Defender		
		Personal Services	\$	200,000.00
	TO:	01A001 – General Fund		
		PD140053 – Public Defender		
		Other Expenses	\$	200,000.00

The Public Defender has a deficit in contractual services due to the cyclical increase in expert witness fees. This line had been historically low in the first half of 2013, which became the basis for the 2014 budget. Since then, the need for expert witness fees has increased, and the second quarter projections show a significant deficit as a result. There are sufficient funds in the salary line due to vacancies. Funding comes from the General Fund.

B.	FROM:	24A301 – Children and Family Services		<b>BA1400709</b>
		CF135509 – Direct Services		
		Personal Services	\$	349,000.00
	TO:	24A301 – Children and Family Services		
		CF135442 – Caregiver Parent Recruitment		
		Personal Expenses	\$	29,000.00
		24A301 – Children and Family Services		
		CF135525 – Supportive Services		
		Personal Services	\$	83,000.00
		24A301 – Children and Family Services		
		CF135541 – Multi – Systemic (MST) Unit		
		Personal Services	\$	66,000.00
		24A301 – Children and Family Services		
		CF135582 – Permanent Custody Adoptions		
		Personal Services	\$	96,000.00
		24A301 – Children and Family Services		
		CF135608 – Contracted Placements		
		Personal Services	\$	75,000.00

The Department of Children and Family Services has requested appropriation transfers to realign appropriations within Public Assistance index codes to cover projected personal services shortfalls for the remainder of the year, due to various realignments of staff. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

C.	FROM:	24A301 – Children and Family Services		<b>BA1400710</b>
		CF135467 – Administrative Services		
		Other Expenses	\$	92,000.00

TO:	24A301 – Children and Family Services CF135483 – Training Other Expenses	\$	17,000.00
TO:	24A301 – Children and Family Services CF135509 – Direct Services Other Expenses	\$	16,000.00
TO:	24A301 – Children and Family Services CF135525 – Supportive Services Other Expenses	\$	44,000.00
TO:	24A301 – Children and Family Services CF135582 – Permanent Custody Adoptions Other Expenses	\$	8,000.00
TO:	24A301 – Children and Family Services CF135608 – Contracted Placements Other Expenses	\$	1,000.00
TO:	24A301 – Children and Family Services CF135616 – CFS Foster Homes/Resource Management Other Expenses	\$	6,000.00

The Department of Children and Family Services has requested appropriation transfers to realign appropriations within Public Assistance index codes to cover projected shortfalls for the remainder of the year. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

D.	FROM:	20A303 – Children Services Fund CF134023 – Adoption Services Other Expenses		<b>BA1400711</b>
			\$	175,000.00
	TO:	20A303 – Children Services Fund CF134015 – Client Supportive Services Other Expenses	\$	65,000.00
	TO:	20A303 – Children Services Fund CF134031 – CFS Foster Care Other Expenses	\$	110,000.00

The Department of Children and Family Services has requested appropriation transfers to realign appropriations within Children Services index codes to cover projected shortfalls for the remainder of the year. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

E.	FROM:	01A001 – General Fund HR018010 – Human Resources Administration Personal Services Other Expenses		<b>BA1400683</b>
			\$	150,000.00
			\$	50,000.00

TO: 01A001 – General Fund  
 HR018010 – Human Resources Administration  
 Capital Outlays \$ 200,000.00

A transfer is requested to provide for replacement time clocks that are used for the Department of Public Works' maintenance employees.

F. FROM: 61A607 – Centralized Custodial Fund **BA1400685**  
 CT577379 – Buildings and Grounds – Custodial Services  
 Personal Services \$ 200,000.00  
 Other Expenses \$ 100,000.00

TO: 61A607 – Centralized Custodial Fund  
 CT577395 – Buildings and Grounds – Trades Services  
 Personal Services \$ 300,000.00

A transfer is requested to cover the remaining year payroll expenses for trades services. The Custodial Fund receives funding from charges to user agencies for space maintenance (see related additional appropriation, item R, on page 5).

G. FROM: 22A960 – Community Development Block Grant Year 39 2013 **BA1400483**  
 DV714154 –CDBG Economic Development Operating 2013  
 Personal Services \$ 24,395.96

TO: 22A960– Community Development Block Grant Year 39 2013  
 DV714154 –CDBG Economic Development Operating 2013  
 Other Operating \$ 24,395.96

Transfer appropriations within the Community Development Block grant (CDBG) Economic Development Operating 2013 account for pending space and indirect charges. Funding is from the United States Department of Housing and Urban Development covering the period January 1, 2013 through December 31, 2014.

H. FROM: 22A040 – Lead Hazard Reduction Grant **BA1400499**  
 DV708974 –Lead Hazard Reduction Grant 11-14  
 Other Expenses \$ 6,061.30

TO: 22A040– Lead Hazard Reduction Grant  
 DV708974 –Lead Hazard Reduction Grant 11-14  
 Capital Outlays \$ 6,061.30

Transfer appropriations within the Lead Hazard Reduction Grant account for pending capital purchases. Funding is from the United States Department of Housing and Urban Development covering the period January 1, 2011 through December 31, 2014.

I. FROM: 24A601 – Senior and Adult Services **BA1400354**  
 SA138479 –Protective Services  
 Personal Services \$ 30,000.00

TO: 24A601 – Senior and Adult Services  
 SA138479 – Protective Services  
 Other Expenses \$ 30,000.00

Request to realign appropriation within the Department of Senior and Adult Services. This realignment is due to the client emergency funds being exhausted. The funding source is the Health and Human Services Levy Fund, the Public Assistance allocations, and fees for direct services provided to clients.

J. FROM: 24A510 – Work & Training Admin **BA1400361**  
 WT137109 –Admin Services-General Manager  
 Other Expenses \$ 30,000.00

TO: 24A510 – Work & Training Admin  
 WT137315 – Work First Services  
 Other Expenses \$ 30,000.00

Request to realign appropriation within the Department of Job and Family Services to cover projected commodity expenses for the remainder of the year. The funding source is primarily Federal/State as well as the Health and Human Services Levy Fund.

K. FROM: 01A001 – Communications Services **BA1400322**  
 IT601161 – Communications Services  
 Other Expenses \$ 153,589.00

TO: 01A001 – Security and Disaster Recovery  
 IT601088 – Security and Disaster Recovery  
 Capital Outlays \$ 153,589.00

The Department of Information Technology is requesting an appropriation transfer for the Barracuda Web-filtering security contract. The source of funding is General Fund.

L. FROM: 01A001 – Engineering Services **BA1400323**  
 IT601096 – Engineering Services  
 Other Expenses \$ 100,000.00

TO: 01A001 – Operations Support  
 IT601104 – Operations Support  
 Other Expenses \$ 100,000.00

The Department of Information Technology is requesting an appropriation transfer for a portion of the Oracle Software contract. The source of funding is general fund.

M. FROM: 01A001 – Information Technology Administration **BA1400324**  
 IT601021 – Information Technology Administration  
 Other Expenses \$ 6,000.00

TO: 01A001 – Information Technology Administration  
 IT601021 – Information Technology Administration  
 Capital Outlays \$ 6,000.00

The Department of Information Technology is requesting an appropriation transfer for electrical equipment to be installed in the Sterling Building. The source of funding is General Fund.

N.	FROM:	20A301 – Board of Revision – Assessment Fund	<b>BA1400327</b>
		BR420067 – Board of Revision – Assessment Fund	
		Personal Services	\$ 200,000.00
		Other Expenses	\$ 400,000.00
	TO:	20A301 – Fiscal Operation – Tax Assessments	
		FS109702 – Fiscal Operation – Tax Assessments	
		Other Expenses	\$ 600,000.00

The Fiscal Office is requesting an appropriation transfer for the Pictometry contract based on the surplus funds in the Board of Revision for CY2014. The source of funding is real estate assessment fund.

O.	FROM:	01A001 – Personnel Review Commission	<b>BA1400328</b>
		HC019018 – Personnel Review Commission	
		Personal Services	\$ 25,000.00
	TO:	01A001 – Personnel Review Commission	
		HC019018 – Personnel Review Commission	
		Capital Outlays	\$ 25,000.00

The Personnel Review Commission is requesting an appropriation transfer for capital equipment to be used in conjunction with civil service testing. The source of funding is General Fund.

P.	FROM:	01A001 – Fiscal Operations – Contractual Services	<b>BA1400329</b>
		FS109652 – Fiscal Operations – Contractual Services	
		Other Expenses	\$ 92,727.00
	TO:	01A001 – Fiscal Operations – Records/Licenses/Outreach	
		FS109645 – Fiscal Operations – Records/Licenses/Outreach	
		Other Expenses	\$ 92,727.00

The Fiscal Office is requesting an appropriation transfer for annual microfilm supplies anticipated for CY2015. The source of funding is General Fund.

Q.	FROM:	20N306 – Soil and Water Conservation District	<b>BA1400686</b>
		SW500058 – Soil and Water Conservation District	
		Other Expenses	\$ 1,000.00
	TO:	20N306 – Soil and Water Conservation District	
		SW500058 – Soil and Water Conservation District	
		Capital Outlays	\$ 1,000.00

A transfer is requested for the Soil and Water Conservation to purchase a computer. The District receives funding from municipalities for pollution prevention technical services and education, from a County General Fund subsidy of \$75,000 for a portion of the personnel expenses, and a match of local funding from the Ohio Department of Natural Resources.

**Resolution: Cash Transfers:**

A. FROM: 29A391 – Health and Human Services Levy 4.8 **JT1400023**  
SU514596 - Alcohol Drug Addiction Mental Health 4.8  
Transfer Out \$ 4,920,457.00

29A392 – Health and Human Services Levy 3.9  
SU514729– Alcohol Drug Addiction Mental Health 3.9  
Transfer Out \$ 4,920,457.00

TO: 20A317 – ADAMHSBCC  
MH431056 – BH - Administrative Oper Budget  
Revenue Transfer \$ 9,840,914.00

This operating transfer is necessary to disburse the 2014 second quarter subsidy payment to the ADAMHS Board. The source of funding is the Health and Human Services Levy Fund.

B. FROM: 20A301 – Real Estate Assessment Fund **JT1400043**  
FS109702 – Fiscal Operations – Tax Assessments  
Transfer Out \$ 690,787.00

TO: 26A601 – General Gas and License Fees  
CE835025 – County Engineer Administration  
Revenue Transfer \$ 690,787.00

A cash transfer is requested to pay for the subsidy for the Department of Public Works' Road and Bridge Tax Map office as required by Ohio Revised Code 315.11. Funding comes from fees on real estate taxes.

C. FROM: 20A301 – Real Estate Assessment Fund **JT1400044**  
FS109702 – Fiscal Operations – Tax Assessments  
Transfer Out \$ 694,523.00

TO: 20A819 – Geographic Information System  
IT470591 – Geographic Information System  
Revenue Transfer \$ 694,523.00

A cash transfer is requested to provide for the County's Geographic Information System (GIS) division of the Department of Information Technology. Funding comes from fees on real estate taxes.

D. FROM: 20A814–Wireless 9-1-1 Government Assistance **JT1400032**  
JA106773– Wireless 9-1-1 Government Assistance  
Transfer Out \$ 3,000,000.00

TO: 40A067 –Emergency Operations Center Capital Project  
CC768192 –Emergency Operations Center Capital Project  
Revenue Transfer \$ 3,000,000.00

Transfer from the special revenue fund in the Department of Public Safety and Justice Services' Wireless 9-1-1 account to Emergency Operations Center capital account for the portion applicable to the wireless

9-1-1 call center. Funding is from cell phone charges in the Wireless 9-1-1 account covering the period January 1, 2014 through December 31, 2014 (See related additional appropriation, item V on page 6).

E.	FROM:	21A243–Ohio Second Chance JA748889– Ohio Second Chance Transfer Out	\$ 251,142.53	<b>JT1400033</b>
	TO:	01A001 –General Fund JA302224 –Public Safety Grants Administration Revenue Transfer	\$ 251,142.53	

Transfer from the Ohio Second Chance grant unused grant funds. The grant closed with the State of Ohio on April 30, 2008 that resulted in residual funds that are being transferred to the General Fund and to complete the closure of the grant. Funding was from the Ohio Department of Alcohol and Drug Addiction Services covering the period May 1, 2006 through April 30, 2008.

F.	FROM:	29A391 – Health & Human Services Levy 4.8 SU514323 – Children With Medical Handicaps Transfer Out	\$ 380,000.00	<b>JT1400050</b>
	TO:	24A530 – Children With Medical Handicap WT137935 – Children With Medical Handicap Revenue Transfer	\$ 380,000.00	

This transfer from the Health and Human Services Levy Fund represents a necessary transfer to cover the cost of pending medical relief payments for the remainder of the year. The Health and Human Services Levy Fund is supported by property taxes.

G1.	FROM:	29A391 – Health and Human Services Levy 4.8 SU514299 – Children & Family Services Subsidy Transfer Out	\$ 8,232,386.00	<b>JT1400024</b>
	FROM:	29A392 – Health and Human Services Levy 3.9 SU515098 – Children & Family Services Subsidy Transfer Out	\$ 8,232,386.00	
	TO:	24A301 – Public Assistance Children and Family Services CF135467 – Administrative Services - CFS Revenue Transfer	\$ 16,464,772.00	

G2.	FROM:	29A391 – Health and Human Services Levy 4.8 SU514315 – Children’s Services Fund Subsidy Transfer Out	\$ 10,403,542.75
	FROM:	29A392 – Health and Human Services Levy 3.9 SU514620 – Children’s Services Fund Subsidy Transfer Out	\$ 10,403,542.75

	TO:	20A303 – Children’s Services Fund CF134049 – Children’s Services Fund Revenue Transfer	\$	20,807,085.50	
G3.	FROM:	29A391 – Health and Human Services Levy 4.8 SU514414 – Senior and Adult Services Subsidy Transfer Out	\$	3,728,997.50	<b>JT1400041</b>
	FROM:	29A392 – Health and Human Services Levy 3.9 SU5514638 – Senior and Adult Subsidy 3.9 Transfer Out	\$	3,728,997.50	
	TO:	24A601 – Public Assistance - Senior and Adult Services SA138321 – Administrative Services - SAS Revenue Transfer	\$	7,457,995.00	

These transfers from the Health and Human Services levies represent the first half of 2014 subsidy requirement for the Health and Human Services agencies within the public assistance funds. Levy funding is used to support the children in custody, at risk families and children, our vulnerable seniors, and the working poor. The Health and Human Services Levy Fund is funded by general property taxes.

H1.	FROM:	29A392 – Health and Human Services Levy 3.9 SU514737 – Employment and Family Subsidy 3.9 Transfer Out	\$	515,912.90	<b>JT1400040</b>
	TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$	515,912.90	
H2.	FROM:	29A392 – Health and Human Services Levy 3.9 SU514737 – Employment and Family Subsidy 3.9 Transfer Out	\$	134,150.07	
	TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$	134,150.07	
H3.	FROM:	29A391 – Health and Human Services Levy 4.8 SU514430 – Employment and Family Subsidy 4.8 Transfer Out	\$	841,752.62	
	TO:	24A510 – Work and Training Admin. WT137109 – Administrative Services Revenue Transfer	\$	841,752.62	
H4.	FROM:	29A391 – Health and Human Services Levy 4.8 SU514430 – Employment and Family Subsidy 4.8 Transfer Out	\$	218,876.43	



TO:	24A510 – Work and Training Admin.		
	WT137109 – Administrative Services		
	Revenue Transfer	\$	218,876.43

In accordance with the Ohio Revised Code (ORC) Section 5101.16 the county is required to pay a share of TANF related administration (\$5,430,662) and Non-TANF (\$1,412,106) related administration for Medicaid, Food related expenditures during a calendar year. This represents 3/12 of the total required mandated share that generally is transferred to the corresponding fund on a quarterly basis. This transfer is for April – June 2014. The amount is based on the current State Fiscal Year's requirement. The funding source is the Health and Human Services Levy.

I.	FROM:	20A658 – Fiscal Operations – Title Bureau		<b>JT1400045</b>
		FS109694 – Fiscal Operations – Title Bureau		
		Transfer Out	\$	500,000.00
	TO:	01A001 – Fiscal Office Administration		
		FS109611 – Fiscal Office Administration		
		Revenue Transfer	\$	500,000.00

A cash transfer is requested to provide support to General Fund Operations. Funding is generated from fees associated with Auto Titles.

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0221

Sponsored by: <b>County Executive FitzGerald/ Department of Public Works</b>	<b>A Resolution</b> approving amendments to Amended and Restated Lease Agreement and Amended and Restated Sublease and Operating Agreement with Cuyahoga County Convention Facilities Development Corporation in connection with the Cleveland Convention Center and the Global Center for Health Innovation; authorizing the County Executive to execute the amendments and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in December 2013 the County of Cuyahoga, Ohio (“County”) terminated its relationships with Merchandise Mart Properties, Inc., MMPI Cleveland Development LLC, and Cleveland MMCC LLC (together, the MMPI Parties”) and entered into various agreements related to operation and management of the Cleveland Convention Center and the Global Center for Health Innovation (together, the “Facility”) with the Cuyahoga County Convention Facilities Development Corporation (the “Corporation”); and

WHEREAS, the County and the Corporation have determined that it is in the best interest of the County to further amend the Amended and Restated Lease and the Amended and Restated Sublease and Operating Agreement by and between the County and the Corporation to maximize cash flows to the County by amending the definitions of “Monthly Base Rental Payment,” “Net Monthly Base Rent Payment,” and “Supplemental Payment.”

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

**SECTION 1.** That the County Council hereby approves the Amendment to Amended and Restated Lease and the Amendment to Amended and Restated Sublease and Operating Agreement substantially in the form of that currently on file with the Clerk of Council (together, the “Amendments”).

**SECTION 2.** That the County Executive, or his authorized designee, is authorized to (a) execute the Amendments and all documents and instruments necessary or desirable to facilitate and/or consummate the transactions



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

\_\_\_\_\_  
Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0222

Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Division of County Engineer</b>	<b>A Resolution</b> authorizing a revenue generating Utility Agreement with City of Highland Heights for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 3; 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/Division of County Engineer recommends approval of a revenue generating utility agreement with the City of Highland Heights for the maintenance and repair of sanitary sewers, storm sewers and waterlines in Sewer District No. 3; and

WHEREAS, the City of Highland Heights desires to retain Cuyahoga County to perform certain services for the City of Highland Heights to aid with the maintenance and repair of sanitary sewers, storm sewers and waterlines located in Sewer District No. 3; and

WHEREAS, pursuant to R.C. §307.15, a county may contract with any municipal corporation to render any service, on behalf of the municipal corporation; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical sewer maintenance and repair services can be provided by Cuyahoga County for the City of Highland Heights' sewer system.

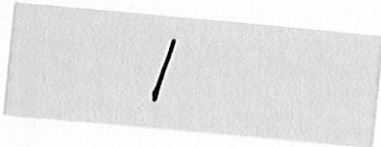
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the Cuyahoga County Council hereby approves the revenue generating utility agreement with the City of Highland Heights for the maintenance and repair of sanitary sewers, storm sewers and waterlines located in Cuyahoga County Sewer District No. 3.

**SECTION 2.** That the County Executive is authorized to execute the agreement 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 and the reasons set forth in the preamble.





**Item Details:**

<b>Agency/Dept. Name:</b>	County Engineer/Sanitary Engineering Division	<b>Agency/Dept. Head Name:</b>	Jamal Husani
<b>Type of Request:</b>	Agreement/Amendment		
<b>Request Prepared by:</b>	Paul Wilson	<b>Telephone No.</b>	216-348-3984
<b>SUMMARY OF REQUESTED ACTION:</b>			
A. SCOPE OF WORK SUMMARY			
1. Department of Public Works requesting the approval of an agreement with the City of Highland Heights for Storm Sewer and Sanitary Sewer Maintenance. <u>This is a revenue generating contract. There is no cost associated with this specific contract.</u> The agreement is effective immediately upon approval with the anticipated date of November 1, 2014. <b>declaring the necessity that this Resolution become immediately effective.</b>			
2. The primary goal of this Agreement is to set forth the responsibilities of the respective parties under the Agreement as well as establish a rate which the County will charge the City of Highland Heights for services.			
3. Under the provision of the Ohio Revised Code Section 6117.02, this County may levy an assessment to pay the cost and expense of the maintenance and operation of such sewerage improvements.			
<b>B. PROCUREMENT</b>			
1. N/A			
2. N/A			
3. N/A			
<b>C. CONTRACTOR AND PROJECT INFORMATION</b>			
<b>1a.</b> The address for contact is: City of Highland Heights 5827 Highland Road Highland Heights, OH 44143			
<b>2.</b> The owner is the City of Highland Heights.			
<b>3a.</b> N/A			
<b>3b.</b> The City of Highland Heights is located in Council District 11.			

**D. PROJECT STATUS AND PLANNING**

- 1. N/A
- 2. N/A
- 3. N/A
- 4. N/A
- 5. N/A

**E. FUNDING**

- 1. As noted, there is no cost associated with this specific contract with the City of Beachwood.
- 2. N/A
- 3. N/A

**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

- [Highland Heights Agreement](#)

**History**

Time

Who

Approval

Department of Law





# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0223

Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/Office of Budget &amp; Management</b>	<b>A Resolution</b> 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.
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WHEREAS, the County Council of Cuyahoga County, Ohio, met in regular session on the 23rd of September, 2014; and

WHEREAS, this County Council, in accordance with the provision of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2015; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate of the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax limitation; 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 rates as determined by the Budget Commission in its certification be, and the same are, hereby accepted.

**SECTION 2.** That there be, and is, hereby levied on the tax duplicate of said County, the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

**SCHEDULE A  
SUMMARY OF AMOUNT REQUIRED FROM GENERAL PROPERTY TAX  
APPROVED BY BUDGET COMMISSION AND COUNTY FISCAL  
OFFICER’S ESTIMATE OF TAX RATES**

**County Fiscal Officer’s Estimate of  
Tax Rate to be Levied**

<b>Tax Levy</b>	<b>Inside 10 Mill Limit</b>	<b>Outside 10 Mill Limit</b>
General Fund	<b>0.60</b>	<b>0</b>
General Fund – Bond Retirement	<b>0.85</b>	<b>0</b>
Health & Human Services	<b>0</b>	<b>3.90</b>
Board of Developmental Disabilities	<b>0</b>	<b>3.90</b>
Health & Welfare	<b>0</b>	<b>4.80</b>
County Library	<b>0</b>	<b>2.50</b>
	<b>1.45</b>	<b>15.10</b>

**SECTION 3.** That the Clerk of Council be, and she is, hereby instructed to transmit a certified copy of this Resolution to the County Fiscal Officer; one copy to the County Budget Commission and the Director, Office of Budget & Management.

**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:  
Committee(s) Assigned:

Journal \_\_\_\_\_  
\_\_\_\_\_, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0211

Sponsored by: <b>County Executive FitzGerald/Department of Information Technology</b>	<b>A Resolution</b> making an award on RQ27440 to MCPc, Inc. in the amount not-to-exceed \$337,951.20 for wireless infrastructure analysis, hardware and installation services for the period 6/1/2014 - 12/31/2016; 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 Information Technology has recommended an award on RQ27440 to MCPc, Inc. in the amount not-to-exceed \$337,951.20 for wireless infrastructure analysis, hardware and installation services for the period 6/1/2014 - 12/31/2016; and

WHEREAS, County Council has determined that awarding RQ27440 to MCPc, Inc. is in the best interest of the County; and

WHEREAS, the purpose of this project is to perform professional Wireless Service for Cuyahoga County; and

WHEREAS, this project is funded 100% from Capital Campaign Fund under WAN & Telecom; 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 RQ27440 to MCPc, Inc. in the amount not-to-exceed \$337,951.20 for wireless infrastructure analysis, hardware and installation services for the period 6/1/2014 - 12/31/2016.

**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 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: August 26, 2014

Committee(s) Assigned: Finance & Budgeting

Committee Report/Second Reading: September 9, 2014

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

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0206

Sponsored by: <b>County Executive FitzGerald</b>	<b>A Resolution</b> amending Resolution No. R2014-0052 dated 2/25/2014, which expressed support for the Cleveland 2016 Host Committee, Inc.'s efforts to secure a National Presidential Convention in Cleveland in 2016, to allow the use of certain County facilities on a rent-free basis as set forth in a County Service Agreement with Cleveland 2016 Host Committee, Inc. and SMG; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, in Resolution No. R2014-0052 dated 2/25/2014, County Council previously authorized the County Executive to negotiate and enter into contracts in support of bringing a National Presidential Convention to Cleveland in 2016 (“Convention”) in the amount of \$2,500,000 to support the bid for the Convention and a contract to contribute up to \$2,500,000 in in-kind law enforcement services and resources, by and through the Cuyahoga County Sheriff, in connection with providing security for the Convention;

WHEREAS, now that a National Presidential Convention will be coming to Cleveland in 2016, the Cuyahoga Council would like to amend Resolution No. R2014-0052 dated 2/25/2014 to additionally allow the Cleveland 2016 Host Committee, Inc. to use certain County facilities on a rent free basis as set forth in County Service Agreement with the Cleveland 2016 Host Committee, Inc. and SMG;

WHEREAS, Cleveland 2016 Host Committee, Inc. will not be considered a political committee under any state or federal laws or regulations;

WHEREAS, Cleveland 2016 Host Committee, Inc.’s primary function will be to (i) advise and support the host city, its partners and the local community in efforts to promote the local economy, encourage commerce and economic development, assist with the projection of a favorable image of Cleveland and Cuyahoga County; (ii) create and implement a program designed to promote Cuyahoga County area businesses as well as to attract and permanently retain business opportunities from outside of the State of Ohio; and (iii) fulfill all bid obligations to facilitate the needs of hosting a National Convention;

WHEREAS, the Convention will feature Cuyahoga County as a major convention and tourist destination;

WHEREAS, the Convention will have a positive economic impact, benefiting significantly our regional economy;

WHEREAS, it is estimated that the Convention will attract 35,000 visitors to Cuyahoga County, create new jobs, and have a \$150,000,000 to \$200,000,000 net positive economic impact on our region;

WHEREAS, travel and tourism rank among the Cuyahoga County's largest industries and the positive impact of hosting a National Convention in the Cuyahoga County would be significant for our community; and

WHEREAS, hosting the National Convention will not only bring immediate economic gains, but would place the entire metropolitan region in the national spotlight for years to come.

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

**SECTION 1.** That County Council hereby amends R2014-0052 dated 2/25/2014 to expressly authorize the County to enter into a Service Agreement with the Cleveland 2016 Host Committee, Inc. and further authorize it to use the facilities as set forth in the County Service Agreement on a rent free basis, including, but not limited to:

- (a) Cleveland Convention Center and Global Center for Health Innovation up to 6 weeks, including the dates of the Convention;
- (b) Convention Center Hotel's Junior Ballroom, Grand Ballroom and Meeting Rooms A-L for 3 weeks, including the dates of the Convention;
- (c) Whitlach Building (or other comparable space), from the effective date of this Resolution through the Convention, space for three people; for up to sixteen months, an additional 3,000 square feet of office space; for up to twelve months, an additional 12,000 square feet of office space; for up to nine months, an additional 10,000 square feet of office space, and for up to six months an additional 15,000 square feet of office space. For clarity, a total of up to 40,000 square feet of office space could be used at various times for an estimated 300 employees and volunteers of the Cleveland 2016 Host Committee, Inc.;
- (d) County Courthouse Rotunda for one or more Official Convention Events or Special Events during non-business hours at mutually agreeable times during the Convention;

- (e) Huntington Park Garage's available surplus parking spaces not reserved for County use; and
- (f) Reasonable amount of space for a volunteer and bus staging area at the County Airport during the Convention.

**SECTION 2.** The use of the County Facilities is subject to Usage Agreements and News Media User Agreements that will be negotiated in good faith by various parties in the future and the Rent Recovery provision as set forth in the County Service Agreement, which will help off-set costs related to the use of the County Facilities.

**SECTION 3.** That all other provisions of Resolution No. R2014-0052 dated 2/25/2014 shall remain unchanged.

**SECTION 4.** Any and all exemptions from competitive bidding, authorizations to engage in an alternative procurement process, and/or exemptions from state and/or federal law for anything contemplated in this Resolution or the County Service Agreement are hereby granted.

**SECTION 5.** That the County Executive or his authorized designee is authorized to take all actions, and to execute, acknowledge, and deliver (a) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, the County Service Agreement and any potential Agreements referenced therein, including the contemplated Usage Agreements and News Media User Agreements, and all documents to be executed by the County pursuant to the Resolution, (b) all other and further documents, instruments, certificates, agreements, amendments, assignments, consents, affidavits, certifications, payments, disbursements, and notices, and (c) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated herein, in all cases containing such terms and conditions as may be approved by the County's Director of Law or his designee.

**SECTION 6.** 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 7.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: August 26, 2014

Committee(s) Assigned: Committee of the Whole

Journal CC015  
September 9, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0207

Sponsored by: <b>County Executive FitzGerald/Department of Public Works</b>	<b>A Resolution</b> amending Resolution No. R2014-0040 dated 4/22/2014, which authorized a Purchase and Sale Agreement with Playhouse Square Foundation for the sale of the Loew’s Building, to clarify that the County is transferring all County-owned properties associated with the Loew’s Building; authorizing the County Executive to execute all 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 request to amend Resolution No. R2014-0040 dated April 22, 2014, which approved a Purchase and Sale Agreement with the Playhouse Square Foundation for the sale of County-owned property commonly known as the Loew’s Building, located at 1501 Euclid Avenue, and authorized the County Executive to terminate the Indenture of Lease (the “Lease”), as amended, and execute the said Purchase and Sale Agreement; and

WHEREAS, it has been the intent of the County to transfer to the Playhouse Square Foundation, in addition to the Loew’s Building, all County-owned properties associated with the Loew’s Building, and to enter into all necessary Purchase and Sale Agreements to effectuate such intent; 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 development.

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

**SECTION 1.** That Resolution No. R2014-0040, dated April 22, 2014, is hereby amended as follows:

A. The fifth “WHEREAS” clause is hereby deleted in its entirety and replaced with the following:

WHEREAS, because the purpose of the County’s original purchase in 1977 has been achieved, the County and the Playhouse Square Foundation have agreed to terminate the Lease, as amended, and transfer the title of the

property known as the Loew's Building and associated County-owned properties described as Permanent Parcel Nos. 103-01-013, 103-01-014 and 103-01-015 to the Playhouse Square Foundation; and,

- B. The sixth "WHEREAS" clause is hereby deleted in its entirety and replaced with the following:

WHEREAS, the sale of the property known as the Loew's Building and associated County-owned properties to the Playhouse Square Foundation would result in significant savings in operating costs to the County; and,

- C. Section 1 is hereby deleted in its entirety and replaced with the following:

That the Cuyahoga County Council authorizes the County Executive to terminate the Lease, as amended, and enter into Purchase and Sale Agreements with the Playhouse Square Foundation for the sale of the property commonly known as the Loew's Building and the associated County-owned properties for the amount of \$1.00.

**SECTION 2.** 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 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: August 26, 2014  
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC015  
September 9, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0208

Sponsored by: <b>County Executive FitzGerald/Department of Public Works</b>	<b>A Resolution</b> making an award on RQ30449 to Cleveland Clinic Foundation in the amount of \$125,000.00 for the sale of County-owned property commonly known as the former MetroHealth Clement Center, located at 2500 East 79 <sup>th</sup> Street, Cleveland; authorizing the County Executive to execute the Purchase and Sale 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 engaged the services of CBRE, Inc. (“CBRE”), a commercial real estate services firm, to serve as the real estate portfolio program manager, provide brokerage services, and represent the County in connection with the real estate portfolio program; and,

WHEREAS, CBRE worked with the County to prepare and issue a request for proposal, RFP # 30449 (the “RFP”), for the real property consolidation project in accordance with the County’s Contracting and Purchasing Procedures Ordinance; and,

WHEREAS, the County received a proposal from Cleveland Clinic Foundation to purchase the land and all buildings and improvements commonly known as the Former MetroHealth Clement Center (collectively “Property”) located at 2500 East 79<sup>th</sup> Street, Cleveland, Ohio; and,

WHEREAS, the proposal is to sell the Property for \$125,000; 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 awards the sale of the Property to Cleveland Clinic Foundation and authorizes the County Executive to

enter into a Purchase and Sale Agreement with Cleveland Clinic Foundation (or one of its affiliated entities) for same.

**SECTION 2.** That the County Executive or his authorized designee is authorized to (a) take all actions, and to execute, acknowledge, deliver and/or file for record (as and where appropriate) (i) all documents and instruments necessary or desirable to facilitate and/or consummate the transactions contemplated hereby, including, but not limited to, a Purchase and Sale Agreement, and all documents to be executed by the County thereunder, and all financing-related documents (including but not limited to subordination, non-disturbance and attornment agreements, pledges, and security agreements), (ii) all other and further documents, instruments, certificates, agreements, amendments, assignments, subleases, consents, affidavits, certifications, disbursement authorizations, settlement statements, closing statements, proration statements, escrow agreements, escrow instructions, and notices, and (iii) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated hereby, in all cases containing such terms and conditions as may be approved by the County's Director of Law, (b) agree to such payments, prorations, credits, deposits, holdbacks, escrows and other arrangements as may be necessary or advisable in connection therewith to facilitate and/or consummate such transactions, and (c) prosecute and/or defend any actions or proceedings that may be necessary or advisable relative to any of the foregoing matters.

**SECTION 3.** That all documents to be executed in connection with the transactions contemplated herein be subject to the Law Director or his designee's approval as to legal form and correctness.

**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 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 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.



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0209

Sponsored by: <b>County Executive FitzGerald/Department of Public Works</b>	<b>A Resolution</b> authorizing an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12 <sup>th</sup> Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014 to extend the time period to 9/30/2015, to change the scope of services, effective 7/31/2014 and 10/1/2014, and for additional funds in the amount not-to-exceed \$257,100.72; 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.
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WHEREAS, the County Executive/Department of Public Works has authorized an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD for lease of office space located at 1701 East 12<sup>th</sup> Street, Cleveland, for use by various County divisions and a department for the period 10/1/2011 - 9/30/2014 to extend the time period to 9/30/2015, to change the scope of services, effective 7/31/2014 and 10/1/2014, and for additional funds in the amount not-to-exceed \$257,100.72; and

WHEREAS, the primary goal is to extend the term of the Lease for an additional twelve (12) months at a decreased rent of \$10.25 per square foot for a County Department occupying the office space for the additional twelve (12) month period; and

WHEREAS, this project is funded 100% by the General 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 authorizes an amendment to Contract No. CE1100590-01, 02, 03 with Reserve Apartments, LTD





First Reading/Referred to Committee: August 26, 2014  
Committee(s) Assigned: Public Works, Procurement & Contracting

Journal CC015  
September 9, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0210

<p>Sponsored by: <b>County Executive FitzGerald/Department of Public Works/Division of County Engineer</b></p>	<p><b>A Resolution</b> making an award on RQ31337 to Parsons Brinckerhoff, Inc. in the amount not-to-exceed \$2,808,412.00 for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project for the period 9/9/2014 - 12/31/2016; 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 County Engineer recommends an award on RQ31337 to Parsons Brinckerhoff, Inc. in the amount not-to-exceed \$2,808,412.00 for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project for the period 9/9/2014 - 12/31/2016; and

WHEREAS, the purpose of this project is for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project and to properly maintain the County's infrastructure; 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 RQ31337 to Parsons Brinckerhoff, Inc. in the amount not-to-exceed \$2,808,412.00 for architectural/engineering design services for the Pedestrian and Bicycle Bridge from the Malls to the Lakefront Project for the period 9/9/2014 - 12/31/2016.

**SECTION 2.** That the County Executive is authorized to execute the contract and all other documents consistent with this Resolution.

**SECTION 3.** That the County Executive or his authorized designee is authorized to take all actions, and to execute, acknowledge, and deliver (a) all documents and instruments necessary or desirable to facilitate and/or consummate

the transactions contemplated hereby, including, but not limited to, the Agreement and all documents to be executed by the County pursuant to the Resolution, (b) all other and further documents, instruments, certificates, agreements, benchmarks, amendments, assignments, consents, affidavits, certifications, payments, disbursements, and notices, and (c) amendments, modifications and supplements to any of the foregoing, that the County Executive may deem necessary or advisable in connection with the consummation of the transactions contemplated herein.

**SECTION 4.** 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 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: August 26, 2014  
Committee(s) Assigned: Committee of the Whole

Journal CC015  
September 9, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0213

<p>Sponsored by: <b>County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3</b></p>	<p><b>A Resolution</b> authorizing amendments to contracts with various providers for operation of OhioMeansJobs Cleveland-Cuyahoga County Service Centers for the period 7/1/2014 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds; authorizing the County Executive to execute the amendments 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 County Executive/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3, has recommended amendments to contracts with various providers for operation of OhioMeansJobs|Cleveland-Cuyahoga County Service Centers for the period 7/1/2014 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds as follows:

- a) No. CE1300365-01 with Mature Services Incorporated in the amount not-to-exceed \$321,450.00.
- b) No. CE1300366-01 with United Labor Agency, Inc. in the amount not-to-exceed \$2,415,500.00; and

WHEREAS, the primary goal of the project is to provide operational support of the OhioMeansJobs|Cleveland-Cuyahoga County Service Centers, Occupational Skills Training, ABAWD Programming and the Applicant Job Readiness Program; and

WHEREAS, this project is funded with Federal Workforce Investment Act Funds and by Federal TANF 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 authorizes amendments to contracts with various providers for operation of OhioMeansJobs|Cleveland-Cuyahoga County Service Centers for the period 7/1/2014 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds as follows:

- a) No. CE1300365-01 with Mature Services Incorporated in the amount not-to-exceed \$321,450.00.
- b) No. CE1300366-01 with United Labor Agency, Inc. in the amount not-to-exceed \$2,415,500.00; and

**SECTION 2.** That the County Executive is authorized to execute the amendments 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 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: August 26, 2014  
Committee(s) Assigned: Education, Environment & Sustainability

Journal CC015  
September 9, 2014



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0214

<p>Sponsored by: <b>County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3</b></p>	<p><b>A Resolution</b> authorizing an amendment to Contract No. CE1300368-01 with United Labor Agency, Inc. for employer services for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds in the amount not-to-exceed \$1,400,000.00; 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.</p>
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WHEREAS, the County Executive/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3, has recommended an amendment to Contract No. CE1300368-01 with United Labor Agency, Inc. for employer services for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds in the amount not-to-exceed \$1,400,000.00; and

WHEREAS, the primary goal of the project is to continue to establish and maintain strong relationships with employers, the public sector, and local educational institutions to supply the workforce with the necessary job skills that employers seek; and

WHEREAS, the funding for this project is with federal Workforce Investment Act (WIA) and TANF 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 authorizes an amendment to Contract No. CE1300368-01 with United Labor Agency, Inc. for employer services for the period 7/1/2013 - 6/30/2014 to extend the time period to 6/30/2015 and for additional funds in the amount not-to-exceed \$1,400,000.00.



# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0216

Sponsored by: <b>County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood</b>	<b>A Resolution</b> authorizing a contract with Starting Point in the amount not-to-exceed \$859,541.00 for administration of various initiatives of the Universal Pre-Kindergarten Program for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; 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/Department of Health and Human Services/Division of Community Initiatives/Office of Early Childhood has recommended a contract with Starting Point in the amount not-to-exceed \$859,541.00 for administration of various initiatives of the Universal Pre-Kindergarten Program for the Invest in Children Program for the period 8/1/2014 - 7/31/2015; and

WHEREAS, the primary goals of the project are the management and implementation of the Universal Pre-Kindergarten supportive services components; and

WHEREAS, the project is funded 100% by the Health and Human Services Levy fund and the schedule of payments is monthly by invoice; 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 Starting Point in the amount not-to-exceed \$859,541.00 for administration of various initiatives of the Universal Pre-Kindergarten Program for the Invest in Children Program for the period 8/1/2014 - 7/31/2015.

**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 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: August 26, 2014

Committee(s) Assigned: Education, Environment & Sustainability

Journal CC015

September 9, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0199

Sponsored by: <b>County Executive FitzGerald/Fiscal Officer/County Treasurer</b>	<b>A Resolution</b> amending Resolution No. R2013-0201 dated 9/24/2013, which authorized an award to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, for the sale of tax lien certificates by removing the amount not-to-exceed \$25,000,000.00; authorizing the County Executive to execute all documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective
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WHEREAS, the County Executive/Fiscal Officer/County Treasurer has submitted a request to amend Resolution No. R2013-0201 dated 9/24/2013, which approved an award and sale of tax lien certificates to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, and authorized the County Executive and Treasurer to execute an agreement consistent with said award, and in an amount not-to-exceed \$25,000,000.00;

WHEREAS, it is advantageous to the County and its citizens to proceed with an additional sale of tax certificates to provide funding to schools and other local governments in the County who are in needs of this funding; 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 development.

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

**SECTION 1.** That Resolution No. R2013-0201 dated 9/24/2013, is hereby amended as follows:

- A. The tenth “WHEREAS” clause is hereby deleted in its entirety and replaced with the following:

WHEREAS, the County Executive, through the County Treasurer, is recommending an award on the tax certificates sale to Woods Cove III, LLC, as purchaser, and Lien Servicing, LLC, as servicer, for a period not-to-exceed 36 months.



First Reading/Referred to Committee: August 12, 2014  
Committee(s) Assigned: Finance & Budgeting

Committee Report/Second Reading: August 26, 2014

Journal CC015  
September 9, 2014

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0200

<b>Sponsored by: County Executive FitzGerald/Department of Workforce Development, in partnership with City of Cleveland, as designated Local Workforce Investment Area No. 3</b>	<b>A Resolution</b> establishing a list of certified providers for occupational skills training services for the Individual Training Account System for the period 7/1/2014 - 6/30/2016; authorizing the County Executive to execute the agreements 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 Workforce Development, in partnership with the City of Cleveland, as designated Local Workforce Investment Area No. 3 is recommending to establishing a list of certified providers for occupational skills training services for the Individual Training Account System for the period 7/1/2014 - 6/30/2016 as follows:

- a) Academy of Court Reporting, Inc.
- b) Ace Tutors
- c) Allstate Hairstyling and Barber College
- d) American Red Cross, Greater Cleveland Chapter
- e) Ashari's Healthcare, LLC
- f) Ashland University
- g) Associated Builders & Contractors, Inc., Northern Ohio Chapter
- h) ATS Institute of Technology
- i) Auburn Career Center
- j) Baldwin Wallace University
- k) Blossom 24 Hour We Care Center, Inc.
- l) Brentley Institute Inc., The
- m) Brown Aveda Institute
- n) Brown Mackie College – Akron
- o) Bryant & Stratton College
- p) Case Western Reserve University
- q) Catholic Charities Community Services Corporation
- r) Chancellor University
- s) Cleveland Industrial Training Center, Inc.
- t) Cleveland Institute of Dental - Medical Assistants, Inc.
- u) Cleveland State University
- v) Compassions Training and Awareness Center Inc.
- w) Cuyahoga Community College District



- x) Cuyahoga Valley Career Center
- y) Great Lakes Truck Driving School, Inc.
- z) Hamrick School
- aa) Hondros College
- bb) Inner State Beauty School
- cc) Kent State University
- dd) Lake County Community College District
- ee) Lakewood College
- ff) Lorain County Community College District
- gg) Lorain County Joint Vocational School
- hh) Med-Cert, Inc.
- ii) Miami-Jacobs Career College
- jj) National College
- kk) New Bridge Cleveland Center for Arts & Technology
- ll) New Horizons Computer Learning Centers
- mm) Notre Dame College, The
- nn) OhioGuidestone
- oo) Ohio Technical College, Inc.
- pp) Phoenix Healthcare Institute, LLC
- qq) Polaris Career Center
- rr) Remington College
- ss) Root-InfoTech dba American Logistics Group, Inc.
- tt) South University of Ohio LLC
- uu) University of Akron, The
- vv) Ursuline College
- ww) Vatterott Educational Centers, Inc. dba Vatterott College
- xx) Vocational Guidance Services
- yy) Willoughby-Eastlake School of Practical Nursing

WHEREAS, occupational skills training provided by certified training providers give job seekers options to choose training best suited for their needs and the option to upgrade skills to secure unsubsidized employment; and

WHEREAS, the certified training providers have obtained above average performance ratings through compliance with all terms, conditions and requirements during their previous contract; and

WHEREAS, the list of certified training providers reoccurs every three years and is updated on a monthly basis; and

WHEREAS, the service agreements have been approved by the Cleveland/ Cuyahoga County Workforce Investment Board and the Ohio Department of Job and Family Services, as required under the Workforce Investment Act (WIA), after the training programs have been evaluated by the Employment Connection for effectiveness and costs; and

WHEREAS, the County Executive/Department of Workforce Development, in partnership with the City of Cleveland, as designated Local Workforce Investment Area No. 3, has allocated a total of \$1,500,000.00 to support this two-year training program; and

WHEREAS, funding is provided through federal Workforce Investment Act (WIA) funds with the purpose of consolidating, coordinating and improving employment, training, literacy and vocational rehabilitation in the United States.

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

**SECTION 1.** That the Cuyahoga County Council hereby establishes the following list of providers for occupational skills training services for the Individual Training Account System for the period 7/1/2014 - 6/30/2016:

- a) Academy of Court Reporting, Inc.
- b) Ace Tutors
- c) Allstate Hairstyling and Barber College
- d) American Red Cross, Greater Cleveland Chapter
- e) Ashari's Healthcare, LLC
- f) Ashland University
- g) Associated Builders & Contractors, Inc., Northern Ohio Chapter
- h) ATS Institute of Technology
- i) Auburn Career Center
- j) Baldwin Wallace University
- k) Blossom 24 Hour We Care Center, Inc.
- l) Brentley Institute Inc., The
- m) Brown Aveda Institute
- n) Brown Mackie College – Akron
- o) Bryant & Stratton College
- p) Case Western Reserve University
- q) Catholic Charities Community Services Corporation
- r) Chancellor University
- s) Cleveland Industrial Training Center, Inc.
- t) Cleveland Institute of Dental - Medical Assistants, Inc.
- u) Cleveland State University
- v) Compassions Training and Awareness Center Inc.
- w) Cuyahoga Community College District
- x) Cuyahoga Valley Career Center
- y) Great Lakes Truck Driving School, Inc.
- z) Hamrick School
- aa) Hondros College
- bb) Inner State Beauty School
- cc) Kent State University
- dd) Lake County Community College District
- ee) Lakewood College

- ff) Lorain County Community College District
- gg) Lorain County Joint Vocational School
- hh) Med-Cert, Inc.
- ii) Miami-Jacobs Career College
- jj) National College
- kk) New Bridge Cleveland Center for Arts & Technology
- ll) New Horizons Computer Learning Centers
- mm) Notre Dame College, The
- nn) OhioGuidestone
- oo) Ohio Technical College, Inc.
- pp) Phoenix Healthcare Institute, LLC
- qq) Polaris Career Center
- rr) Remington College
- ss) Root-InfoTech dba American Logistics Group, Inc.
- tt) South University of Ohio LLC
- uu) University of Akron, The
- vv) Ursuline College
- ww) Vatterott Educational Centers, Inc. dba Vatterott College
- xx) Vocational Guidance Services
- yy) Willoughby-Eastlake School of Practical Nursing

**SECTION 2.** That the County Executive is hereby authorized to execute any agreements 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 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: August 12, 2014

Committee(s) Assigned: Education, Environment & Sustainability

Committee Report/Second Reading: August 26, 2014

Journal CC015

September 9, 2014