



AGENDA
CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 28, 2014
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
COUNCIL CHAMBERS – 4TH 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) October 14, 2014 Committee of the Whole Meeting (See Page 14)
 - b) October 14, 2014 Regular Meeting (See Page 16)
- 7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT**
 - a) Presentation of a proclamation to commemorate October as Domestic Violence Awareness Month in Cuyahoga County (See Page 34)
- 8. MESSAGES FROM THE COUNTY EXECUTIVE**
 - a) Contracts executed by County Executive (attachment) (See Page 35)
- 9. LEGISLATION INTRODUCED BY COUNCIL**

a) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

- 1) R2014-0238: A Resolution confirming the County Executive's appointment of Harriet Shaw Applegate to serve on the Cleveland-Cuyahoga County Port Authority Board of Directors for an unexpired term ending 1/28/2016, and declaring the necessity that this Resolution become immediately effective. (See Page 39)

Sponsors: Councilmembers Connally and Conwell

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

- 2) R2014-0239: A Resolution amending the 2014/2015 Biennial Operating Budget for 2014 by providing for an additional fiscal appropriation from the General Fund in order to meet the budgetary needs of a County department, and declaring the necessity that this Resolution become immediately effective. (See Page 41)

Sponsors: Councilmembers Conwell and Miller on behalf of Personnel Review Commission

Committee Assignment and Chair: Finance & Budgeting – Miller

b) CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR THIRD READING ADOPTION

- 1) R2014-0227: A Resolution confirming the County Executive's reappointment of Sheryl King-Benford to serve on the Cuyahoga County Law Library Resources Board for the term 9/23/2014 - 12/31/2019, and declaring the necessity that this Resolution become immediately effective. (See Page 44)

Sponsors: Councilmembers Connally and Conwell

- 2) R2014-0228: A Resolution adopting various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Resolution become immediately effective. (See Page 46)

Sponsors: Councilmembers Connally and Conwell on behalf of Personnel Review Commission

- 3) R2014-0229: A Resolution amending the Rules of Council, and declaring the necessity that this Resolution become immediately effective. (See Page 51)

Sponsor: Councilmember Miller

c) CONSIDERATION OF ORDINANCES OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) O2014-0033: An Ordinance amending Chapter 701 of the Cuyahoga County Code by adding Sections 701.08, 701.09 and 701.10 to establish guidelines for financial management of operations and a long-term financial plan for Cuyahoga County. (See Page 88)

Sponsor: Councilmember Miller

- 2) O2014-0034: An Ordinance enacting Chapter 703 of the Cuyahoga County Code to establish a procedure for the County to enter into delinquent land contracts with qualified tax payers, and declaring the necessity that this Ordinance become immediately effective. (See Page 92)

Sponsor: Councilmember Jones

- 3) O2014-0035: An Ordinance amending Chapter 303 of the Cuyahoga County Code to update the Civil Service Code of Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective. (See Page 95)

Sponsors: Council President Connally on behalf of Personnel Review Commission

d) COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES OF COUNCIL FOR SECOND READING

- 1) O2014-0006: An Ordinance enacting Chapter 714 of the Cuyahoga County Code to establish guidelines for the County Community Development Block Grant Fund Program, and declaring the necessity that this Ordinance become immediately effective. (See Page 110)

Sponsors: Councilmembers Simon and Greenspan

Committee Assignment and Chair: Economic Development & Planning – Schron

- 2) O2014-0030: An Ordinance enacting the Cuyahoga County Appointment and Confirmation Act, and declaring the necessity that this Ordinance become immediately effective. (See Page 115)

Sponsors: Councilmembers Conwell, Germana, Brady and Miller

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

e) CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING ADOPTION

- 1) O2014-0023: An Ordinance amending Chapter 202 of the Cuyahoga County Code by adding Section 202.18 to establish a Department of Sustainability and to provide for the powers and duties of the Director of Sustainability. (See Page 119)

Sponsors: Councilmembers Simon, Miller, Connally, Brady, Germana, Conwell and Hairston

10. LEGISLATION INTRODUCED BY EXECUTIVE

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

- 1) R2014-0249: 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 122)

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

- 2) R2014-0250: A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and Fraternal Order of Police/Ohio Labor Council, representing approximately 163 employees in four classifications at the Cuyahoga County

Court of Common Pleas for the period 2/1/2014 - 12/31/2016; 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 148)

Sponsors: County Executive FitzGerald/Department of Law on behalf of Cuyahoga County Court of Common Pleas

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

- 1) R2014-0251: A Resolution making an award on RQ24534 to East 22 Redevelopment LLC for lease with an option to purchase County-owned property commonly known as the former Juvenile Court Complex, located at 2210 Cedar Road, Cleveland, for the period 1/1/2015 - 12/31/2059; 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. (See Page 151)

Sponsor: County Executive FitzGerald/Department of Public Works

- 2) R2014-0252: A Resolution making an award on RQ31792 to Shook Construction Co. for design-build services for the Emergency Operations Center Project located in the City of Broadview Heights; authorizing the County Executive to negotiate, enter into, and execute an initial contract with Shook Construction Co. in the amount not-to-exceed \$2,148,732.00 for the period 11/12/2014 - 11/12/2016 and to execute all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 163)

Sponsor: County Executive FitzGerald/Departments of Public Works and Public Safety and Justice Services

- 3) R2014-0253: A Resolution authorizing the issuance and sale of Cuyahoga County Sales Tax Revenue Bonds, Series 2014 (Lakefront Pedestrian Bridge), in an aggregate principal

amount not-to-exceed \$10,000,000.00 for the purpose of acquiring an interest in, and paying or reimbursing a portion of the cost of constructing and maintaining, a pedestrian/ bicycle bridge to be located between the northeast corner of Mall C and the downtown lakefront in the vicinity of the Great Lakes Science Center and Rock and Roll Hall of Fame and Museum and spanning railroad tracks owned by Norfolk Southern, CSX and Amtrak, GCRTA Waterfront Line tracks, City-owned property (Amtrak parking lot), Memorial Shoreway (SR2) including the mainline and access ramps, and Erieside Avenue, and for the purpose of paying capitalized interest on the bonds and paying the costs of issuance in connection therewith; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a trust indenture and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 173)

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

Bond Counsel: Calfee, Halter & Griswold LLP

- 4) R2014-0254: A Resolution authorizing the issuance and sale of sales tax revenue bonds of the County of Cuyahoga, Ohio, in a principal amount not-to-exceed \$35,800,000.00 for the purpose of refunding all or a portion of the County's Sewer District Improvement Bonds, Series 2000, and advance refunding all or a portion of the County's Sewer District Improvement Bonds, Series 2005, and Various Purpose General Obligation (Limited Tax) Bonds, Series 2009A (Tax-Exempt); authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a trust indenture, one or more escrow agreements, and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 184)

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

Bond Counsel: Calfee, Halter & Griswold LLP

- 5) R2014-0255: A Resolution authorizing the issuance and sale of Cuyahoga County Sales Tax Revenue Bonds, Series 2014 (County Facilities Improvement), in an aggregate principal amount not-to-exceed \$168,000,000.00 for the purposes of paying or reimbursing the costs of constructing, maintaining, expanding, refurbishing, renovating, upgrading, improving, furnishing, and equipping the Cuyahoga County Administrative Headquarters, the Cuyahoga County Corrections Center, the Justice Center, the Cuyahoga County Juvenile Justice Center, the Medical Examiner's Office, the Office of Emergency Management, the Jane Edna Hunter Building, and certain other related improvements and facilities operated by the County and for the purpose of paying capitalized interest on the bonds and paying the costs of issuance in connection therewith; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a trust indenture and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 196)

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

Bond Counsel: Calfee, Halter & Griswold LLP

- 6) R2014-0256: A Resolution authorizing the issuance and sale of County of Cuyahoga, Ohio Tax-Exempt Economic Development Refunding Revenue Bonds, Series 2014C (Medical Mart/Convention Center Project) in an aggregate principal amount not-to-exceed \$21,000,000.00 for the purpose of providing moneys to pay costs of a "Project" within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 207)

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

Bond Counsel: Calfee, Halter & Griswold LLP

- 7) R2014-0257: A Resolution authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2014B (Western Reserve Fund) in an aggregate principal amount not-to-exceed \$24,500,000.00 for the purpose of providing moneys to pay costs of "Projects" within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective. (See Page 227)

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

Bond Counsel: Calfee, Halter & Griswold LLP

- 8) R2014-0258: A Resolution making an award on RQ30390 to Caremark PCS Health, LLC in the amount not-to-exceed \$40,189,733.00 for group healthcare benefits for County employees and their eligible dependents including pharmacy benefit management services for the period 1/1/2015 - 12/31/2017; 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 246)

Sponsor: County Executive FitzGerald/Department of Human Resources

- 9) R2014-0259: A Resolution making an award on RQ30390 to Medical Mutual of Ohio in the amount not-to-exceed \$116,156,022.00 for group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services for the period 1/1/2015 - 12/31/2017; 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 278)

Sponsor: County Executive FitzGerald/Department of Human Resources

- 10) R2014-0260: A Resolution making an award on RQ30390 to United Healthcare Services, Inc. in the amount not-to-exceed \$68,308,890.00 for group healthcare benefits for County employees and their eligible dependents including medical benefit management services for the period 1/1/2015 - 12/31/2017; 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 308)

Sponsor: County Executive FitzGerald/Department of Human Resources

- 11) R2014-0261: A Resolution making an award on RQ30784 to Pictometry International Corp. in the amount not-to-exceed \$1,378,626.27 for Geographical Information System data and software, aerial photography and related professional services for the period 9/1/2014 - 8/31/2018; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 338)

Sponsor: County Executive FitzGerald/Department of Information Technology

- 12) R2014-0262: A Resolution authorizing an amendment to Agreement No. AG1200285-01 with Educational Service Center of Cuyahoga County for fiscal agent services for the Families and Schools Together Program in connection with the Ohio Children's Trust Fund FY2013 Grant Program for the period 7/1/2012 - 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$614,036.00; 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 344)

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

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

- 1) R2014-0242: A Resolution authorizing a revenue generating Utility Agreement with Village of Oakwood for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 18; 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 352)

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

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

- 2) R2014-0243: A Resolution authorizing an Economic Development Collateral Enhancement in the amount not-to-exceed \$5,000,000.00 for the benefit of Schofield Properties, LLC for renovation and redevelopment of the historic Schofield Building, located at 2000 East 9th Street, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said collateral enhancement and this Resolution; and declaring the necessity that this Resolution become immediately effective. (See Page 354)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

- 3) R2014-0244: A Resolution authorizing an agreement with City of Chardon for participation in the Cuyahoga County Benefits Regionalization Program for the period 3/1/2014 - 12/31/2016; 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 357)

Sponsor: County Executive FitzGerald/Department of Human Resources

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

- 4) R2014-0245: A Resolution authorizing an agreement with City of Cleveland Heights for participation in the Cuyahoga County Benefits Regionalization Program for the period 9/1/2014 - 12/31/2016; 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 359)

Sponsors: County Executive FitzGerald/Department of Human Resources and Councilmember Hairston

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

- 5) R2014-0246: A Resolution authorizing a revenue generating agreement with City of Cleveland in the amount of \$2,033,333.00 for Crime Lab testing services for the period 11/1/2014 - 12/31/2025; 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 361)

Sponsor: County Executive FitzGerald/Medical Examiner

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

d) CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- 1) R2014-0234: A Resolution authorizing a Pay for Success contract with Mental Health Services for Homeless Persons, Inc. dba Frontline Service and Cuyahoga PFS, LLC in the amount not-to-exceed \$5,000,000.00 for an intervention program that provides various services addressing basic needs, housing placement, trauma therapy and family reunification services to children in foster care and homeless families of children in foster care for the period 1/1/2015 - 12/15/2020; 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 363)

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Division of Children and Family Services and Councilmember Miller

e) CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION

- 1) O2014-0014: An Ordinance establishing the Cuyahoga County Property Demolition Program, and declaring the necessity that this Ordinance become immediately effective. (See Page 366)

Sponsors: County Executive FitzGerald/Department of Development and Councilmembers Jones, Connally, Brady, Simon, Hairston, Conwell and Miller

11. REPORT BY CLERK ON LEGISLATION WITHDRAWN AT REQUEST OF SPONSOR(S)

- a) O2013-0018: An Ordinance enacting Chapters 507 and 508 of the Cuyahoga County Code to establish the County's risk management procedures and insurance requirements and repealing Sections 504.03(C)(2)(e), 504.04(D)(2)(e), and 504.16 in conformity therewith; and declaring the necessity that this Ordinance become immediately effective. (Sponsored by Executive/Law and Jones)

12. MISCELLANEOUS COMMITTEE REPORTS

13. MISCELLANEOUS BUSINESS

14. PUBLIC COMMENT UNRELATED TO AGENDA

15. ADJOURNMENT

NEXT MEETINGS

COMMITTEE OF THE WHOLE MEETING – Budget: WEDNESDAY, NOVEMBER 12, 2014
3:00 PM / COUNCIL CHAMBERS

REGULAR MEETING: WEDNESDAY, NOVEMBER 12, 2014
5:00 PM / COUNCIL CHAMBERS

COMMITTEE OF THE WHOLE MEETING – Budget: MONDAY, NOVEMBER 17, 2014
1:00 PM / COUNCIL CHAMBERS

REGULAR MEETING: TUESDAY, NOVEMBER 25, 2014
5:00 PM / COUNCIL CHAMBERS

COMMITTEE OF THE WHOLE MEETING – Budget: TUESDAY, DECEMBER 2, 2014
3:00 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 5th 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, OCTOBER 14, 2014
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
COUNCIL CHAMBERS – 4TH FLOOR
3:00 PM

1. CALL TO ORDER

Council President Connally called the meeting to order at 3:00 p.m.

2. ROLL CALL

Ms. Connally asked Clerk Schmotzer to call the roll. Councilmembers Greenspan, Miller, Gallagher, Conwell, Jones, Hairston, Brady, Germana, Schron and Connally were in attendance and a quorum was determined. Councilmember Simon was absent from the meeting.

3. PUBLIC COMMENT RELATED TO AGENDA

The following citizens addressed Council regarding issues of concern to them relating to Ordinance No. O2014-0014, an Ordinance establishing the Cuyahoga County Property Demolition Program:

- a) **The Honorable Earl Leiken, Mayor of the City of Shaker Heights**
- b) **The Honorable Michael Summers, Mayor of the City of Lakewood**
- c) **The Honorable Timothy DeGeeter, Mayor of the City of Parma**
- d) **The Honorable Paul Marnecheck, City of North Royalton Councilmember**
- e) **Mr. Ronald O’Leary, Director of the Department of Building and Housing for the City of Cleveland**

4. ITEM REFERRED TO COMMITTEE

- a) O2014-0014: An Ordinance establishing the Cuyahoga County Property Demolition Program, and declaring the necessity that this Ordinance become immediately effective.

Clerk Schmotzer read Ordinance No. O2014-0014 into the record.

Mr. Jones introduced a proposed substitute to Ordinance No. O2014-0014. Discussion ensued.

A motion was then made by Mr. Jones, seconded by Ms. Connally and approved by unanimous vote to accept the proposed substitute.

Mayor Leiken; Ms. Lisa Averyhart, Assistant Law Director; Mr. Michael King, Special Counsel; Mr. O'Leary; and Mr. Kahlil Seren, Research and Policy Analyst, addressed Council regarding Ordinance No. O2014-0014. Discussion ensued.

Councilmembers asked questions of Mayor Leiken, Ms. Averyhart, Mr. King, Mr. O'Leary and Mr. Seren pertaining to the item, which they answered accordingly.

Mr. Greenspan made comments regarding a proposed substitute that he intended to introduce at a later date.

Mr. Miller made to motion to amend Ordinance No. O2014-0014, which he subsequently withdrew after further discussion.

On a motion by Mr. Hairston with a second by Mr. Jones, Ordinance No. O2014-0014 was considered and approved by unanimous vote to be referred to the full Council agenda for second reading, as substituted.

5. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

6. PUBLIC COMMENT UNRELATED TO AGENDA

No public comments were given unrelated to the agenda.

7. ADJOURNMENT

With no further business to discuss, Council President Connally adjourned the meeting at 4:35 p.m., without objection.



MINUTES

**CUYAHOGA COUNTY COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 14, 2014
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
COUNCIL CHAMBERS – 4TH FLOOR
5:00 PM**

1. CALL TO ORDER

The meeting was called to order by Council President Connally at 5:04 p.m.

2. ROLL CALL

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

A motion was then made by Mr. Hairston, seconded by Mr. Miller and approved by unanimous vote to excuse Ms. Simon from the meeting.

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 victims of the Ebola virus and that a cure be found and that our nation remain safe.

5. PUBLIC COMMENT RELATED TO AGENDA

Mr. Ed Weglarz and Mr. Thomas Holmes, representing the Association of Food and Petroleum Dealers, addressed Council regarding issues of concern to them relating to Ordinance No. O2014-0027, an Ordinance enacting Title 13, Chapter 1302 of the

Cuyahoga County Code to establish the Cuyahoga County Weights and Measures Code.

6. APPROVAL OF MINUTES

- a) September 23, 2014 Regular Meeting

A motion was made by Ms. Conwell, seconded by Mr. Schron and approved by unanimous vote to approve the minutes of the September 23, 2014 Regular meeting.

7. ANNOUNCEMENTS FROM THE COUNCIL PRESIDENT

- a) Presentation of various Proclamations to commemorate October as awareness month in Cuyahoga County:
 - 1) Breast Cancer

Council President Connally made comments regarding breast cancer awareness month and accepted a proclamation on behalf of the Breast Cancer Fund of Ohio.

- 2) Bullying Prevention

Council President Connally deferred this item to Councilmember Greenspan, who made comments and presented Mr. Stuart Muszynski, representing Project Love and Values-in-Action Foundation, with a proclamation. Mr. Muszynski addressed Council regarding bullying prevention and thanked Council for the proclamation.

8. MESSAGES FROM THE COUNTY EXECUTIVE

County Executive FitzGerald gave no messages as he was absent from the meeting.

9. LEGISLATION INTRODUCED BY COUNCIL

- a) CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE
 - 1) R2014-0238: A Resolution confirming the County Executive's appointment of Harriet Shaw Applegate to serve on the Cleveland-Cuyahoga County Port Authority Board of Directors for an unexpired term ending 1/28/2016, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Connally and Conwell

Council President Connally referred Resolution No. R2014-0238 to the Human Resources, Appointments & Equity Committee.

- 2) R2014-0239: A Resolution amending the 2014/2015 Biennial Operating Budget for 2014 by providing for an additional fiscal appropriation from the General Fund in order to meet the budgetary needs of a County department, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Conwell and Miller on behalf of Personnel Review Commission

Council President Connally referred Resolution No. R2014-0239 to the Finance & Budgeting Committee.

b) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR SECOND READING

- 1) R2014-0227: A Resolution confirming the County Executive's reappointment of Sheryl King-Benford to serve on the Cuyahoga County Law Library Resources Board for the term 9/23/2014 - 12/31/2019, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Connally and Conwell

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

Clerk Schmotzer read Resolution No. R2014-0227 into the record.

This item will move to the October 28, 2014 Council meeting agenda for consideration for third reading adoption.

- 2) R2014-0228: A Resolution adopting various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Connally and Conwell on behalf of Personnel Review Commission

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

Clerk Schmotzer read Resolution No. R2014-0228 into the record.

This item will move to the October 28, 2014 Council meeting agenda for consideration for third reading adoption.

- 3) R2014-0229: A Resolution amending the Rules of Council, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Councilmember Miller

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

Clerk Schmotzer read Resolution No. R2014-0229 into the record.

This item will move to the October 28, 2014 Council meeting agenda for consideration for third reading adoption.

- c) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS 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 Nos. R2014-0224, R2014-0225 and R2014-0226.

- 1) R2014-0224: A Resolution confirming the County Executive's appointment of Reverend Larry L. Macon, Sr. to serve on The MetroHealth System Board of Trustees for the term 9/23/2014 - 3/4/2018, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Connally and Conwell

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

A motion was made by Mr. Schron, seconded by Mr. Brady and approved by unanimous vote to substitute Resolution No. R2014-0224. Discussion ensued.

Council President Connally read a statement regarding the item, which was followed by a request from Ms. Conwell to refer the item back to the Human Resources, Appointments & Equity Committee for further discussion.

Council President Connally then referred Resolution No. R2014-0224 to the Human Resources, Appointments & Equity Committee.

- 2) R2014-0225: A Resolution confirming the County Executive's appointment of Maureen Dee to serve on The MetroHealth System Board of Trustees for the term 9/23/2014 - 3/5/2019, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Councilmembers Connally, Conwell, **Germana** and **Gallagher**

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

A motion was made by Ms. Conwell, seconded by Mr. Schron and approved by unanimous vote to substitute Resolution No. R2014-0225. Discussion ensued.

On a motion by Ms. Conwell with a second by Mr. Schron, Resolution No. R2014-0225 was considered and adopted by unanimous vote, as substituted.

- 3) R2014-0226: A Resolution confirming the County Executive's appointment or reappointment of various individuals to serve on the Cleveland/Cuyahoga County Workforce Investment Board for various terms each beginning 7/1/2014, and declaring the necessity that this Resolution become immediately effective:

i) Reappointment for the term ending 6/30/2015:

- a) Michael T. Latkovich
- b) Sari Feldman
- c) Jay Carson

ii) Appointment for the term ending 6/30/2016:

- a) Aaron Grossman

iii) Reappointment for the term ending 6/30/2016:

- a) Daniel E. Berry

iv) Reappointment for the term ending 6/30/2017:

- a) Gayle Thompkins Agahi

- b) Lawrence Benders
- c) Joseph A. Calabrese
- d) Harriet Shaw Applegate
- e) Bill Kitson
- f) Kim M. Shelnik

v) Appointment of mandatory partner for an undetermined term:

- a) David Merriman

Sponsors: Councilmembers Connally and Conwell

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

Ms. Connally introduced a proposed substitute to Resolution No. R2014-0226. Discussion ensued.

A motion was made by Mr. Germana, seconded by Mr. Schron and approved by unanimous vote to substitute Resolution No. R2014-0226. Discussion ensued.

On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2014-0226 was considered and adopted by unanimous vote, as substituted.

d) CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- 1) O2014-0030: An Ordinance enacting the Cuyahoga County Appointment and Confirmation Act, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Conwell, Connally, Germana, Brady and Miller

Council President Connally referred Ordinance No. O2014-0030 to the Human Resources, Appointments & Equity Committee.

e) COMMITTEE REPORTS AND CONSIDERATION OF ORDINANCES OF COUNCIL FOR SECOND READING

- 1) O2014-0023: An Ordinance amending Chapter 202 of the Cuyahoga County Code by adding Section 202.18 to establish a Department of Sustainability and to provide for the powers and duties of the Director of Sustainability.

Sponsors: Councilmembers Simon, Miller, Connally, Brady, Germana, Conwell and Hairston

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

Clerk Schmotzer read Ordinance No. O2014-0023 into the record.

This item will move to the October 28, 2014 Council meeting agenda for consideration for third reading adoption.

- 2) O2014-0028: An Ordinance establishing the Cuyahoga County Archives Advisory Commission, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Council President Connally

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

Council President Connally requested that this item be considered for second reading adoption under suspension of rules. Discussion ensued. A motion was then 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. O2014-0028.

On a motion by Ms. Conwell with a second by Mr. Gallagher, Ordinance No. O2014-0028 was considered and adopted by unanimous vote.

- f) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

A motion was made by Mr. Gallagher, seconded by Mr. Germana and approved by unanimous vote to suspend Rule 9D and to place on final passage Ordinance No. O2014-0029.

- 1) O2014-0029: An Ordinance codifying the powers and duties of the Personnel Review Commission and authorizing the Personnel Review Commission to adopt administrative rules in accordance with the Charter and the Cuyahoga County Code, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Councilmembers Connally and Conwell on behalf of
Personnel Review Commission

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

On a motion by Ms. Conwell with a second by Mr. Germana, Ordinance No. O2014-0029 was considered and adopted by unanimous vote.

g) CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING
ADOPTION

- 1) O2014-0021: An Ordinance amending Chapter 701 of the Cuyahoga County Code by adding Sections 701.06 and 701.07 to establish guidelines for the County's investment policy and financial reporting requirements for Cuyahoga County.

Sponsor: Councilmember Miller

On a motion by Mr. Miller with a second by Mr. Schron, Ordinance No. O2014-0021 was considered and adopted by unanimous vote.

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. R2014-0240.

- 1) R2014-0240: 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

On a motion by Mr. Miller with a second by Mr. Schron, Resolution No. R2014-0240 was considered and adopted by unanimous vote.

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

- 1) R2014-0241: A Resolution authorizing an amendment to Contract No. CE0900320-01 with Investment Properties, Ltd. for lease of office space located at 1835 Prospect Avenue, Cleveland, for use by Veterans Service Commission for the period 10/1/2009 - 9/30/2014 to extend the time period to 9/30/2019 and for additional funds in the amount not-to-exceed \$1,019,132.40; 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 on behalf of Cuyahoga County Veterans Service Commission

Council President Connally referred Resolution No. R2014-0241 to the Public Works, Procurement & Contracting Committee.

- 2) R2014-0242: A Resolution authorizing a revenue generating Utility Agreement with Village of Oakwood for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 18; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

Council President Connally referred Resolution No. R2014-0242 to the Public Works, Procurement & Contracting Committee.

- 3) R2014-0243: A Resolution authorizing an Economic Development Collateral Enhancement in the amount not-to-exceed \$5,000,000.00 for the benefit of Schofield Properties, LLC for renovation and redevelopment of the historic Schofield Building, located at 2000 East 9th Street, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said collateral enhancement and this Resolution; and

declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

Council President Connally referred Resolution No. R2014-0243 to the Economic Development & Planning Committee.

- 4) R2014-0244: A Resolution authorizing an agreement with City of Chardon for participation in the Cuyahoga County Benefits Regionalization Program for the period 3/1/2014 - 12/31/2016; 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 Human Resources

Council President Connally referred Resolution No. R2014-0244 to the Human Resources, Appointments & Equity Committee.

- 5) R2014-0245: A Resolution authorizing an agreement with City of Cleveland Heights for participation in the Cuyahoga County Benefits Regionalization Program for the period 9/1/2014 - 12/31/2016; 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 Human Resources

Council President Connally referred Resolution No. R2014-0245 to the Human Resources, Appointments & Equity Committee.

- 6) R2014-0246: A Resolution authorizing a revenue generating agreement with City of Cleveland in the amount not-to-exceed \$2,033,333.00 for Crime Lab testing services for the period 11/1/2014 - 12/31/2025; 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/Medical Examiner

Council President Connally referred Resolution No. R2014-0246 to the Public Safety & Justice Affairs Committee.

- 7) R2014-0247: A Resolution making an award on RQ30402 to Oriana House, Inc. in the amount not-to-exceed \$744,000.00 for the Cognitive Skills Development Program for the period 7/1/2014 - 6/30/2017; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsors: County Executive FitzGerald on behalf of Cuyahoga County Court of Common Pleas/Corrections Planning Board

Council President Connally referred Resolution No. R2014-0247 to the Public Safety & Justice Affairs Committee.

- 8) R2014-0248: A Resolution authorizing a contract with Court Community Service in the amount not-to-exceed \$555,000.00 for the Community Works Service Placement and Supervision Program for the period 1/1/2015 - 12/31/2017; 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.

Sponsors: County Executive FitzGerald on behalf of Cuyahoga County Court of Common Pleas/Corrections Planning Board

Council President Connally referred Resolution No. R2014-0248 to the Public Safety & Justice Affairs Committee.

- c) COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING

Clerk Schmotzer reported that Resolution Nos. R2014-0231, R2014-0232 and R2014-0233 were placed on the agenda under consideration for second reading in error. The Public Works, Procurement & Contracting Committee voted to recommend that the items be considered by the full Council for second reading adoption under suspension of rules. Councilmember Jones concurred and requested that the items be considered as such.

A motion was then 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. R2014-0231, R2014-0232 and R2014-0233.

- 1) R2014-0231: A Resolution making an award on RQ30137 to Hilton Supply Management, LLC in the amount not-to-exceed \$150,000.00 to arrange for the purchase, delivery and installation of certain operating supplies and equipment (“OS&E”) for use in the operation of the Hotel; authorizing Hilton Supply Management, LLC to act as the County’s agent to purchase OS&E in the amount not-to-exceed \$7,200,000.00 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.

Sponsor: County Executive FitzGerald/Department of Public Works

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

On a motion by Mr. Jones with a second by Mr. Germana, Resolution No. R2014-0231 was considered and adopted by unanimous vote.

- 2) R2014-0232: A Resolution making an award on RQ31509 to Cold Harbor Building Company in the amount not-to-exceed \$3,147,600.00 for the Jane Edna Hunter and Emergency Men’s Shelter Roof Renovation Project; 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

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

On a motion by Mr. Jones with a second by Mr. Schron, Resolution No. R2014-0232 was considered and adopted by unanimous vote.

- 3) R2014-0233: A Resolution authorizing a revenue generating Utility Agreement with Village of Highland Hills for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 5; authorizing the County Executive to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/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. R2014-0233 was considered and adopted by unanimous vote.

- 4) R2014-0234: A Resolution authorizing a Pay for Success contract with Mental Health Services for Homeless Persons, Inc. dba Frontline Service and Cuyahoga PFS, LLC in the amount not-to-exceed \$5,000,000.00 for an intervention program that provides various services addressing basic needs, housing placement, trauma therapy and family reunification services to children in foster care and homeless families of children in foster care for the period 1/1/2015 - 12/15/2020; 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.

Sponsors: County Executive FitzGerald/Department of Health and Human Services/Division of Children and Family Services and Councilmember Miller

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

Clerk Schmotzer read Resolution No. R2014-0234 into the record.

This item will move to the October 28, 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 then 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. R2014-0235 and R2014-0236.

- 1) R2014-0235: A Resolution authorizing an amendment to Contract No. CE1300435-01 with Child Care Resource Center of Cuyahoga County dba Starting Point for out-of-school time and transition services for the Out-of-School Time Program for the period 9/1/2013 - 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$1,400,000.00; 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.

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

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

On a motion by Mr. Germana with a second by Mr. Hairston, Resolution No. R2014-0235 was considered and adopted by unanimous vote.

- 2) R2014-0236: A Resolution authorizing a contract with Educational Service Center of Cuyahoga County in the amount not-to-exceed \$519,976.00 for administration and evaluation of the PRE4CLE Program for the Invest in Children Program for the period 8/1/2014 - 7/31/2016; authorizing the County Executive to execute the contract and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

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

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

On a motion by Mr. Schron with a second by Mr. Germana, Resolution No. R2014-0236 was considered and adopted by unanimous vote.

- e) CONSIDERATION OF A RESOLUTION FOR THIRD READING ADOPTION

- 1) R2014-0212: A Resolution authorizing an agreement with City of Cleveland in the amount not-to-exceed \$600,000.00 for cellular 9-1-1 Public Safety Answering Point services originating in the City of Cleveland for the period 8/18/2014 - 8/17/2015; 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 Public Safety and Justice Services/Office of Emergency Management/Cuyahoga Emergency Communications System

On a motion by Mr. Gallagher with a second by Mr. Germana, Resolution No. R2014-0212 was considered and adopted by unanimous vote.

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

- 1) O2014-0031: An Ordinance amending the County's Debarment Law to clarify that the period of debarment under Chapter 505 of the Cuyahoga County Code commences from the date of issuance of the debarment, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald

Council President Connally referred Ordinance No. O2014-0031 to the Council Operations & Intergovernmental Relations Committee.

- 2) O2014-0032: An Ordinance enacting the County's Administrative Procedures Act, including establishment of the Administrative Rules Approval Board and procedures for the publication of the Cuyahoga County Administrative Code; and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Law and Councilmember Miller

Council President Connally referred Ordinance No. O2014-0032 to the Council Operations & Intergovernmental Relations Committee.

g) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING

- 1) O2014-0014: An Ordinance establishing the Cuyahoga County Property Demolition Program, and declaring the necessity that this Ordinance become immediately effective. (Pending Committee Recommendation)

Sponsors: County Executive FitzGerald/Department of Development and Councilmembers Jones, Connally, Brady, Simon, Hairston, Conwell and Miller

Committee Assignment and Chair: Committee of the Whole – Connally

[Clerk's note: The Committee of the Whole approved a recommendation that Ordinance No. O2014-0014, as substituted, be considered by the full Council for second reading.]

Clerk Schmotzer read Ordinance No. O2014-0014 into the record.

This item will move to the October 28, 2014 Council meeting agenda for consideration for third reading adoption.

h) COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING AND REFERRAL TO COMMITTEE

- 1) 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.

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

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

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

11. REPORT BY CLERK ON LEGISLATION WITHDRAWN AT REQUEST OF SPONSOR(S)

- a) R2011-0188: A Resolution providing for the submission to the Electorate of an amendment to Article 3, Section 3 of the Charter of

Cuyahoga County; and declaring the necessity that this Resolution become immediately effective. (Sponsored by Miller)

- b) R2011-0189: A Resolution providing for the submission to the Electorate of an amendment to Article 3, Section 4, Subsection 2 of the Charter of Cuyahoga County; and declaring the necessity that this Resolution become immediately effective. (Sponsored by Miller)
- c) R2013-0163: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment adding Article VI, Section 6.03 of the Charter of Cuyahoga County establishing the Investment Advisory Committee in the Charter; and declaring the necessity that this Resolution become immediately effective. (Sponsored by Greenspan)
- d) O2013-0005: An Ordinance establishing a Reserve Policy for the Loan Forgiveness Portion of Loans supported by the Economic Development Fund, and declaring the necessity that this Ordinance become immediately effective. (Sponsored by Greenspan)
- e) O2013-0006: An Ordinance establishing a Reserve Policy for Doubtful Debt for Loans supported by the Economic Development Fund, and declaring the necessity that this Ordinance become immediately effective. (Sponsored by Greenspan)
- f) R2014-0164: A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment adding Article VI, Section 6.03 of the Charter of Cuyahoga County establishing the Investment Advisory Committee in the Charter; and declaring the necessity that this Resolution become immediately effective. (Sponsored by Greenspan)

Clerk Schmotzer reported that the above listed items were withdrawn at the request of the sponsor(s). No legislative action was taken nor required.

12. MISCELLANEOUS COMMITTEE REPORTS

Mr. Greenspan reported that the Council Operations & Intergovernmental Relations Committee will meet on Monday, October 20, 2014 at 9:00 a.m.

Mr. Miller reported that the Finance & Budgeting Committee will meet on Monday, October 20, 2014 at 1:00 p.m.

Mr. Gallagher reported that the Public Safety & Justice Affairs Committee will meet on Tuesday, October 21, 2014 at 1:00 p.m.

Mr. Schron reported that the Economic Development & Planning Committee will meet on Monday, October 20, 2014 at 3:00 p.m.

Ms. Conwell reported that the Human Resources, Appointments & Equity Committee will meet on Tuesday, October 21, 2014 at 10:00 a.m.

Mr. Jones reported that the Public Works, Procurement & Contracting Committee will meet on Wednesday, October 22, 2014 at 11:00 a.m.

13. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

14. PUBLIC COMMENT UNRELATED TO AGENDA

There were no public comments given unrelated to the agenda.

15. ADJOURNMENT

With no further business to discuss, Council President Connally adjourned the meeting at 6:05 p.m., without objection.

Cuyahoga County Council

*The Council of Cuyahoga County, Ohio,
wishes to proclaim October 2014 as:*

Domestic Violence Awareness Month in Cuyahoga County

WHEREAS, *Domestic Violence Awareness Month evolved from the first Day of Unity observed in October, 1981 by the National Coalition Against Domestic Violence. The intent was to connect battered women advocates across the nation who were working to end violence against women and their children. The Day of Unity soon became a special week when a range of activities were conducted at the local, state, and national levels; and*

WHEREAS, *In October 1987, the first Domestic Violence Awareness Month was observed. That same year, the first national toll-free hotline was established. In 1989 the first Domestic Violence Awareness Month Commemorative Legislation was passed by the U.S. Congress. In 1994, the landmark Violence Against Women Act was passed, strengthening our nation's response to this crime and increasing services for victims; and*

WHEREAS, *Domestic violence touches the lives of Americans of all ages, leaving a devastating impact on women, men, and children of every background and circumstance. A family's home becomes a place of fear, hopelessness, and desperation when a woman is battered by her partner, a child witnesses the abuse of a loved one, or a senior is victimized by family members; and*

WHEREAS, *During National Domestic Violence Awareness Month, we recommit ourselves to ending violence within our homes, our communities, and our country. By providing young people with education about healthy relationships, and by changing attitudes that support violence, we recognize that domestic violence can be prevented.*

NOW, THEREFORE, BE IT RESOLVED *that the Council of Cuyahoga County, Ohio, do hereby proclaim, **October 2014 as Domestic Violence Awareness Month in Cuyahoga County** to raise awareness and bring attention to this quiet crisis and build upon the capacity of our Nation's victim service providers to reach and serve those in need.*

*Yvonne M. Conwell, District 7
Cuyahoga County Council*



EDWARD FITZGERALD
Cuyahoga County Executive

October 23, 2014

C. Ellen Connally
President
Cuyahoga County Council
323 W. Lakeside Avenue, 4th Floor
Cleveland, Ohio 44113

Dear Council President Connally,

The attached document lists the items that County Executive Edward FitzGerald executed during the period August 14, 2014 – September 30, 2014. Included are all contracts, awards, purchases or sales executed and all grants or loans made or received for more than \$50,000, in addition to all change orders or amendments in which the total additions exceeded \$50,000.

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

Respectfully submitted,

Lindy Burt
Special Assistant

Items Executed
(value exceeds \$50,000)
8/14/2014 - 9/30/2014

	Requestor	Item
1	Board of Elections	Recommending an award on RQ31278 and enter into a sole source contract with Election Systems & Software, LLC in the amount of \$470,000.00 for the purchase of five DS850 High Speed Ballot Scanners for the period 9/1/2014 - 9/30/2015. Funding Source: 100% by the Capital Projects Fund to be paid through future debt issuance.
2	Common Pleas Court/Corrections Planning Board	Submitting a grant agreement with Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount of \$717,730.00 for the FY2015 Treatment Alternatives to Street Crime Program for the period of 7/1/2014- 6/30/2015. Funding Source: FY2015 Ohio Mental Health and Addiction Services grant funds
3	Department of Development	Requesting approval of a North Coast Opportunities Technology Fund Loan with Full Circle Technologies, LLC in the amount not-to-exceed \$110,000.00 to advance asphalt modifier product to lab testing and commercialization stage; requesting authority for the Director to execute all documents required in connection with said loan. Funding Source: 100% by the Cuyahoga County Western Reserve Fund
4	Department of Health and Human Services/Community Initiatives Division/Office of Homeless Services	Submitting grant agreements with U.S. Department of Housing and Urban Development for various supportive services projects for homeless women and families in connection with the FY2013 HEARTH Act Homeless Assistance grant/Cuyahoga County Continuum of Care Program for the period 5/1/2014 - 4/30/2015: a) in the amount of \$150,000.00 for the West Side Catholic Housing Empowerment Project. b) in the amount of \$10,348,968.00 for the Emerald Development and Economic Network Shelter Plus Care Tenant Based Rental Assistance grant project. Funding Source: U.S. Department of Housing & Urban Development.
5	Department of Health and Human Services/Community Initiatives Division/Office of Homeless Services	Submitting a grant agreement with U.S. Department of Housing and Urban Development in the amount of \$213,884.00 for the PASS Supportive Services Program only in connection with the FY2013 HEARTH Act Continuum of Care for Homeless Assistance Grant Program for the period 8/1/2014 - 7/31/2015. Funding Source: U.S. Department of Housing & Urban Development, FY
6	Department of Health and Human Services/Cuyahoga Job and Family Services	Submitting an amendment to Contract No. CE1200109-01 with Americab Transportation, Inc. for transportation services for the period 9/1/2012 - 8/31/2014 for additional funds in the amount not-to-exceed \$400,000.00. Funding Source: Federal Medicaid Funds.
7	Department of Health and Human Services/Office of Re-entry	Submitting amendments to contracts with various providers for comprehensive case management, direct and referral services for the FY2012 Second Chance Act Adult Offender Reentry Program for the period 10/1/2012 - 9/30/2014: a) Contract No. CE1300230-01 with The Centers for Families and Children for a decrease in the amount of (\$38,693.30). b) Contract No. CE1300232-01 with Community Re-entry, Inc. for additional funds in the amount of \$56,511.37. Funding Source: FY2012 U.S. Dept. of Justice grant funds
8	Department of Health and Human Services/Office of Re-entry	Submitting an amendment to Contract No. CE1200445-01 with Project Learn, Inc. for adult basic educational services for inmates at the County Corrections Center for the period 5/1/2012 - 4/30/2015 to extend the time period to 12/31/2015 and for additional funds in the amount of \$241,000.00. Funding Source: Health and Human Services Levy Funds
9	Department of Information Technology	Submitting an amendment to Contract No. CE1200424-01 with Avantia, Inc. for IT consultant services for use by various County departments for the period 7/2/2012 - 7/1/2014 to extend the time period to 7/1/2015 and for additional funds in the amount of \$90,000.00. Funding Source: General Funds
10	Department of Information Technology	Submitting an amendment to Contract No. CE1300259-01 with OneLink Technical Services, LLC for OnBase Administration Enterprise Content Management Support Services for the period 4/1/2013 - 3/31/2015 to extend the time period to 3/31/2016 and for additional funds in the amount of \$95,000.00. Funding Source: General Fund
11	Department of Information Technology	Submitting an amendment to Contract No. CE1100719-01 with OneLink Technical Services, LLC for professional design services in connection with the implementation of the Public Notification Initiative for the period 11/1/2011 - 12/31/2013 to extend the time period to 12/31/2014 and for additional funds in the amount not-to-exceed \$98,000.00. Funding Source: General Fund
12	Department of Information Technology	Recommending an award on RQ30017 to Major Oak Consulting, LLC (44-6) in the amount of \$100,000.00 for consultant services for a feasibility study for Enterprise Geographic Information System shared services for the period 8/25/2014 - 2/28/2015. Funding Source: Local Government Innovation Grant Funds through the Ohio Department of Administration

Items Executed
(value exceeds \$50,000)
8/14/2014 - 9/30/2014

13	Department of Public Safety and Justice Services/Office of Emergency Management	Submitting a revenue generating agreement with Olmsted Township in the amount not-to-exceed \$225,000.00 for the transfer of responsibility for emergency dispatch from Olmsted Township to the Cuyahoga Emergency Communications System for the period 10/31/2014 - 10/31/2017. Funding Source: Revenue Generating
14	Department of Public Safety and Justice Services/Witness Victim	2) Submitting a grant award/cooperative agreement with U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention in the amount of \$612,260.00 for the FY2014 Children Exposed to Violence Defending Childhood Initiative Program for the period 7/1/2015 - 6/30/2017. Funding Source: FY2014 Office of Juvenile Justice and Delinquency Prevention grant funds
15	Department of Public Safety and Justice Services/Witness/Victim	2) Submitting a grant award/cooperative agreement in the amount of \$650,000.00 from U.S. Department of Justice, Office on Violence Against Women for the FY2014 Domestic Violence Homicide Prevention Demonstration Initiative Phase II for the period 10/1/2014 - 9/30/2017. Funding Source: FY2014 Domestic Violence Homicide Prevention Demonstration Initiative grant funds
16	Department of Public Works	b) Recommending an award on RQ32063 and enter into a contract with Industrial First, Inc. in the amount of \$198,000.00 for roof repair at the Courthouse, 1 Lakeside Avenue, for the period 9/22/14 – 12/1/14. Funding Source: 100% Building Service Fund
17	Department of Public Works	Submitting administrative offers of settlement agreements to various property owners for acquisition of right of way in connection with the grade separation of Stearns Road at the Norfolk Southern Railroad in Olmsted Township: Parcel No.(s): 8WD & T Owner(s): R.S. Mihalic Settlement \$ Amount: 97,000.00; Parcel No.(s): 19WD & E Owner(s): M.B. Campbell Settlement \$ Amount: 110,000.00
18	Law Department	b) Recommending an award and entry into an engagement letter with Calfee, Halter & Griswold LLP ("Calfee") for bond/debt legal counsel services for the Capital Improvement Plan and financing of Western Reserve Fund, and authorizing Director of Law to execute engagement letter, including any minimum payments for certain parts of the engagement, with Calfee for a total amount not to exceed \$150,000.00, to be determined depending on type of debt issued as follows: For Sales Tax Bonds: \$.55 per \$1,000 up to \$100,000,000; \$.30 per \$1,000 for amounts in excess of \$100,000,000, inclusive of direct, out-of-pocket expenses. This includes assistance in preparation of the Official Statement. For Sales Tax Bond Anticipation Notes: \$.25 per \$1,000 for the first \$100,000,000 with a minimum of \$15,000; \$.20 per \$1,000 for amounts in excess of \$100,000,000, inclusive of direct, out-of-pocket expenses. Assistance in the preparation of Official Statement to be separately billed at a blended rate of \$275 per hour. For Lines of Credit: \$.50 per \$1,000 for the first \$100,000,000; \$.30 per \$1,000 for amounts in excess of \$100,000,000. Funding Source: 100% bond/debt proceeds
19	Office of Procurement & Diversity	Recommending an award: Medical Examiner a) on RQ31467 to Tecan U.S., Inc. (1-1) in the amount of \$191,080.73 for the purchase of a Freedom EVO 150 System Robot. Funding Source: Capital Projects - Gruttadaria Fund
20	Office of Procurement & Diversity	Recommending an award: Department of Information Technology a) on RQ31298 to MNJ Technologies Direct in the amount of \$131,930.00 for the purchase of 2 Barracuda 910 Web Filtering Appliances with 3 year updates, technical support and instant replacement services. Funding Source: General Funds
21	Office of Procurement & Diversity	Recommending an award: Department of Public Works a) on RQ31000 to Bob Gillingham Ford, Inc. (10-2) in the amount of \$106,696.00 for Four (4) - 2015 Ford Explorer Interceptor Sport Utility Vehicles Police Special -Model K8A. Funding Source: Capital Outlay Funds
22	Office of Procurement & Diversity	Recommending an award: Department of Public Works a) on RQ30989 to Bob Gillingham Ford, Inc. (11-2) in the amount of \$171,374.00 for Seven (7) - 2015 Ford Interceptor Sedan Police Special vehicles, Model #P2M. Funding Source: Capital Outlay Funds
23	Office of Procurement & Diversity	Recommending an award: Department of Information Technology a) on RQ31785 to En Point Technologies Sales, Inc. (1-1) in the amount of \$65,261.24 for Microsoft Enterprise core licenses for use in the test QA environment for the OnBase project. Funding Source: 100% General funds
24	Office of Procurement and Diversity	Recommending an award: Medical Examiner a) on RQ31311 to Lodox NA, LLC (1-1) in the amount of \$405,500.00 for the purchase of a Lodox Statscan Critical Imaging System Model VE1. Funding Source: Medical Examiner's Lab Fund

Items Executed
(value exceeds \$50,000)
8/14/2014 - 9/30/2014

25	Personnel Review Commission	Recommending an award on RQ30086 to Gallagher Benefit Services, Inc. (18-3) in the amount of \$75,000.00 for a Pay Equity Study for the period 8/1/2014 - 12/15/2014. Funding Source: 100% General Funds
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County Council of Cuyahoga County, Ohio

Resolution No. R2014-0238

Sponsored by: Councilmembers Connally and Conwell	A Resolution confirming the County Executive's appointment of Harriet Shaw Applegate to serve on the Cleveland-Cuyahoga County Port Authority Board of Directors for an unexpired term ending 1/28/2016, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Cuyahoga County Charter Section 6.04, entitled Special Boards and Commissions, states that “[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council;” and

WHEREAS, the Cleveland-Cuyahoga County Port Authority Board of Directors was established in 1968 to manage maritime operations, and the Organization of the Board of Directors was created pursuant to the provisions of ORC 4582.03; and

WHEREAS, members of the Cleveland-Cuyahoga County Port Authority Board of Directors shall be appointed to serve a four (4) year term; and

WHEREAS, the individual appointed shall have a term commencing immediately upon signature of this Resolution and ending 1/28/2016;

WHEREAS, the County Executive has nominated Harriet Shaw Applegate to fill a vacancy in an unexpired term ending 1/28/2016 on the Cleveland-Cuyahoga County Port Authority Board of Directors; and

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

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

SECTION 1. That the Cuyahoga County Council hereby confirms the appointment of Harriet Shaw Applegate to fill a vacancy in an unexpired term ending 1/28/2016 on the Cleveland-Cuyahoga County Port Authority Board of Directors.

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 concerning and 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

Clerk of Council

Date

First Reading/Referred to Committee: October 14, 2014

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal CC016
October 28, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0239

Sponsored by: Councilmembers Conwell and Miller on behalf of Personnel Review Commission	A Resolution amending the 2014/2015 Biennial Operating Budget for 2014 by providing for an additional fiscal appropriation from the General Fund in order to meet the budgetary needs of a County department, 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 provide an additional appropriation to provide funding for the Personnel Review Commission to hire two (2) Employment Testing Specialists; and

WHEREAS, the Personnel Review Commission's plan is to centralize civil service testing with the two (2) Employment Testing Specialists; and

WHEREAS, the County Council will consider an appropriation for funding the two (2) Employment Testing Specialists in 2015 during the 2014/2015 biennial budget update process; 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 a County department.

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 increase:

Fund Nos./Budget Accounts

A.	01A001 – General Fund	HC019018 – Personnel Review Commission	Personal Services	\$	26,333.94
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Clerk of Council

Date

First Reading/Referred to Committee: October 14, 2014
Committee(s) Assigned: Finance & Budgeting

Journal CC016
October 28, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0227

Sponsored by: Councilmembers Connally and Conwell	A Resolution confirming the County Executive's reappointment of Sheryl King-Benford to serve on the Cuyahoga County Law Library Resources Board for the term 9/23/2014 - 12/31/2019, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Ohio Revised Code Section 307.51 provides for the organization and operation of a county law library resources board; and

WHEREAS, Ohio Revised Code Section 307.511 provides for the composition, including appointment and terms, of the law library resources board members; and

WHEREAS, the Cuyahoga County Law Library Resources Board was established to oversee services to the local judiciary, elected officials in Cuyahoga County, members of the Ohio General Assembly and to provide a venue for public access; and

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

WHEREAS, the County Executive has nominated Sheryl King-Benford to serve on the Cuyahoga County Law Library Resources Board for the term 9/23/2014 - 12/31/2019; and

WHEREAS, members of the Cuyahoga County Law Library Resources Board shall be appointed to serve a 5 year term; and

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

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

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0228

Sponsored by: Councilmembers Connally and Conwell on behalf of Personnel Review Commission	A Resolution adopting various changes to the Cuyahoga County Non-Bargaining Classification Plan, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Section 9.03 of the Charter of Cuyahoga County states that the Cuyahoga County Personnel Review Commission shall administer a clear, countywide classification and salary administration system for technical, specialist, administrative and clerical functions with a limited number of broad pay ranges within each classification; and

WHEREAS, Section 2.01 of the Cuyahoga County Personnel Policies and Procedures Manual (Ordinance Nos. O2011-0015, O2011-0028, O2011-0043, O2011-0061, O2011-0042 and O2013-0003) states that the employment of all classified County employees is subject to the provisions of the Ohio Revised Code, the Ohio Administrative Code, the Cuyahoga County Administrative Rules and the Policies and Procedures Manual; and

WHEREAS, the Personnel Review Commission submitted several proposed changes to the Cuyahoga County Non-Bargaining Classification Plan; and

WHEREAS, the Personnel Review Commission considered this matter and has undergone significant review, evaluation and modification of such submitted changes to the Cuyahoga County Non-Bargaining Classification Plan; and,

WHEREAS, on September 10, 2014, the Personnel Review Commission met and recommended the classification changes (attached hereto as Exhibit A), and recommended to County Council the formal adoption and implementation of the attached changes; 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 adopts the following changes to the Cuyahoga County Non-Bargaining Classification Plan:

New Classification: (See Attached Classification Specification)

Exhibit A: Class Title: *Employment Testing Specialist*
 Number: 1081111
 FLSA Status: E
 Pay Grade: 12

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 23, 2014
Committee(s) Assigned: Human Resources, Appointments & Equity

Committee Report/Second Reading: October 14, 2014

Journal CC016
October 28, 2014

CUYAHOGA COUNTY CLASSIFICATION SPECIFICATION

Class Title:	Employment Testing Specialist	Class Number:	1081111
FLSA:	Exempt	Pay Grade:	12
Departments:	Personnel Review Commission, only		

Classification Function

The purpose of this classification is to develop valid and reliable testing solutions for employment positions throughout the County.

Essential Job Functions

The following duties are normal for this classification. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

- 50% +/- 5%
- Develops employment tests for positions requiring testing (e.g., identifies major content areas for testing; develops test plans according to job analysis results; investigates alternative selection procedures; constructs test content according to legal guidelines and professional standards; links test content to the content of the job; maintains confidentiality, security, and trade secret of all testing documents and materials).
- 20% +/- 5%
- Performs job analysis for positions requiring testing (e.g., reviews all available job analysis material; conducts individual and/or group interviews/observations; develops and administers questionnaires and surveys; identifies major work behaviors and underlying knowledge, skills, and abilities (KSAs); links KSAs to major work behaviors; synthesizes data and develops position descriptions).
- 10% +/- 5%
- Reviews and revises testing practices and procedures (e.g., ensures practices/procedures meet legal guidelines and professional standards; identifies problems; develops and implements solutions).
- 5% +/- 2%
- Serves as a liaison between the Personnel Review Commission and department directors/hiring managers (e.g., meets with directors/hiring managers to determine their testing needs; gives advice on testing options; provides status updates and test results).
- 10% +/- 5%
- Performs scoring, statistical analysis, and reporting of test results (e.g., conducts cut score and weighting studies; conducts statistical analysis at the test and item level; documents and reports validity evidence in support of the test).
- 5% +/- 2%
- Leads or assists test administrations (e.g., assesses requests for reasonable accommodations; develops and uses standard administration manuals; monitors administrations).

Minimum Training and Experience Required to Perform Essential Job Functions

A Master's degree in Industrial/Organizational Psychology; or any equivalent combination of training and experience.

Additional Requirements

No special professional license or certification is required.

Minimum Physical and Mental Abilities Required to Perform Essential Job Functions

Physical Requirements

- Ability to operate a variety of automated office machines, including personal computer, video camera, audio recorder, telephone, calculator, overhead projector, photocopier, Scantron scoring machine, etc.

Mathematical Ability

- Ability to add, subtract, multiply, and divide; calculate decimals and percentages; and calculate means, standard deviations, correlations, reliability coefficients, item-level probabilities, and similar statistical functions, as well as their correct use and interpretation.

Language Ability & Interpersonal Communication

- Ability to comprehend and apply a variety of legal guidelines and professional standards relevant to the field of Industrial/Organizational Psychology, particularly the area of test development and validation. Requires sufficient understanding to determine best course of action, define consequences of actions, and assess the quality of alternative procedures.
- Ability to write test content that is clear, understandable, internally consistent, and relevant.
- Ability to prepare test documents, position descriptions, scoring reports and analyses, validation reports, test administration manuals, practice/procedure manuals, and other job-related documents using prescribed format and conforming to all rules of punctuation, grammar, diction, and style.
- Ability to follow necessary procedures to ensure the fairness, confidentiality, security, and trade secret of all testing procedures, documents, and materials.
- Ability to evaluate and improve practices and procedures according to guidelines, standards, and goals.
- Ability to communicate effectively with subject matter experts, department directors, and hiring managers on testing needs, procedures, and guidelines/standards; ability to communicate effectively with the general public to ensure test procedures are understood and followed.
- Ability to use and interpret legal and professional terminology and language relevant to Industrial/Organizational Psychology, particularly the area of test development and validation.

Environmental Adaptability

- Work is typically performed in an office environment, and Incumbent will occasionally need to travel to other County offices and worksites and is expected to be able to do so in a timely manner.

Cuyahoga County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will provide reasonable accommodations to individuals with disabilities and encourages both prospective employees and incumbents to discuss potential accommodations with the employer.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0229

Sponsored by: Councilmember Miller	A Resolution amending the Rules of Council, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article III, Section 3.10(2) of the Cuyahoga County Charter provides that County Council shall adopt its own rules; and

WHEREAS, County Council originally adopted its rules pursuant to Motion No. M2011-0007 on April 26, 2011; and,

WHEREAS, such rules have been subsequently amended by Motion Nos. M2011-0017, M2012-0004, M2012-0030, and M2013-0021; and

WHEREAS, Council has determined it is necessary to make various technical revisions to the Rules of Council in accordance with the adoption of the Cuyahoga County Code, the County's adoption of a biennial budget process, and the adoption of various other amendments to the Cuyahoga County Charter; 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 adopts the amended Rules of Council attached as Exhibit A to this Resolution.

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.

Cuyahoga County Rules of Council



Cuyahoga County Council Council Operations & Intergovernmental Relations Committee

Dave Greenspan, Chair

Dale Miller, Vice Chair

Dan Brady

C. Ellen Connally

Michael Gallagher

Approved April 26, 2011

Amended May 8, 2012

Amended January 22, 2013

Amended July 9, 2013

Amended _____, 2014

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Article I. Rules of the Cuyahoga County Council

Proposed to be adopted as the Permanent Rules of Cuyahoga County Council.

Article II. Council Rules Adopted

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

Article III. Definitions

Section 1. "Adopted" or "adoption" means approval of legislation by Council after three (3) or more readings or after dispensing with the requirement of three (3) readings.

Section 2. "Adjourned session" means a meeting that has concluded, but prior to the conclusion of the meeting the time and date for another meeting to continue the business of the meeting has been set.

Section 3. "Agenda" means a list of all ordinances, resolutions, motions, and reports to be considered by Council at a regular or special meeting that is prepared by the Clerk of Council in written form prior to the meeting, or a similar list of matters to be considered at a Council committee meeting.

Section 4. "Charter" means the Charter of Cuyahoga County, adopted by the electors of Cuyahoga County at the general election on November 3, 2009, as amended.

Section 5. "Clerk" means the Clerk of Council.

Section 6. "County" means Cuyahoga County.

Section 7. "Enacted" or "enactment" means, with respect to legislation, adoption by Council and approval by the Executive within ten (10) days after presentation by the Clerk; or adoption by Council and the expiration of ten (10) days without approval or veto by the Executive; or approval by the vote of at least eight (8) Members of Council upon reconsideration after disapproval by the Executive as provided by the Charter.

Section 8. "Executive" means the County Executive of Cuyahoga County as provided in Article 2 of the Charter.

Section 9. "Executive Session" means a meeting of Council or a Committee of Council not open to the public held according to ORC Section 121.22, as amended.

Section 10. "Record of Council" means the permanent record, maintained by the Clerk, of the agenda, minutes, reports, legislation adopted, and motions approved by the County Council and its committees.

Section 11. "Legislation" means any ordinance or resolution, ~~including a Motion of Council or Ceremonial Resolution,~~ submitted to the Council for consideration. Legislation shall be designated as an "ordinance" if it is of a general and permanent nature and as a "resolution" if it is of a temporary nature or does not prescribe any permanent rules of conduct and/or expression of legislative intent.

Section 12. "Matters" mean all legislation, parliamentary motions, agenda items, and requests to address Council.

Section 13. "Meeting" means any prearranged discussion of public business by a majority of the Members of Council or by a majority of the Members of any Council committee.

Section 14. "Member" means a Member of the County Council, as provided in Article 3 of the Charter, unless the context clearly indicates otherwise.

~~Section 15. "Motion of Council" means a form of resolution which proposes action by the Council that is not of a general nature and is not subject to veto by the Executive.~~

Section ~~156~~. "Organizational Meeting" means the Regular Council Meeting which occurs on the first business day of each year that immediately follows the year during which elections are held for the office of Member of County Council.

Section ~~167~~. "Parliamentary Motion" means a proposal made in a meeting of Council or a Committee of Council in accordance with the Rules of Council to expedite or control deliberations and the transaction of business.

Section ~~178~~. "Presiding officer" means the President for a meeting of Council and the Chairperson for a committee.

Section ~~189~~. "Regular Council Meeting" means a prearranged meeting of the County Council scheduled pursuant to a ~~Resolution~~~~Motion of Council~~ approved to set or amend the Council calendar for each ~~biennium~~~~year~~.

Section ~~1920~~. "Special Council Meeting" means a meeting of Council that is neither a Regular Council Meeting, nor the resumption of a Regular or Special Council Meeting that had been adjourned to another time or day and time.

Article IV. Rules

Rule 1. Members of Council

Rule 1A: Member Conduct

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

Rule 1B: Members to Provide Contact Information

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

Rule 1C: Council Vacancy

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

Rule 1D: Proclamations and Letters of Commendation and Condolence

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

Rule 2. Officers of Council

Rule 2A: Organizational Meeting

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

Rule 2B: Clerk's Role at Organizational Meeting

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

Rule 2C: Process for Election of Council Leadership

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

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

Rule 2D: Duties of President of Council

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

Rule 2E: Duties of Vice-President of Council

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

Rule 2F: Absence or Disability of President and Vice-President

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

Rule 2G: Council Officer Vacancy

If a vacancy occurs in the office of President, the Vice-President shall become President. Not later than the second regular meeting after the vacancy occurs, the

President shall conduct an election for Vice-President, following the procedure set forth in Rule 2C. The same election procedures shall be followed if a vacancy occurs in the office of Vice-President.

Rule 2H: Council Officers Entitled to Vote

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

Rule 3. Council Personnel

Rule 3A: Chief of Staff

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

- (1) Advise and assist Council on a broad range of initiatives, including organizational strategy, priorities, and efficiency and effectiveness of Council as well as all operations, providing leadership and strategy for staff and Council.
- (2) Manage all Council operations, including policy, budget, constituent and other council services, communications and Clerk of Council.
- (3) Serve as primary liaison between administration and Council as well as external entities and coordinate all internal and external communication, at times acting as spokesperson for Council.
- (4) Supervise all Council staff, including the Clerk of Council, with authority to set duties and compensation after initial hire, and to evaluate and discipline staff, up to and including termination. The Chief of Staff shall notify Council of any changes in compensation and any decision to terminate a staff member. Council may override any decision by the Chief of Staff to change the compensation or terminate a staff member by ~~resolution~~Motion introduced within the next two Council meetings following the notification from the Chief of Staff.
- (5) Any other duties as assigned by the Council President

The President of Council is authorized to evaluate and may discipline the Chief of Staff, up to but not including termination. Council may terminate the services of the Chief of Staff ~~by resolution~~upon Motion.

(Amended on 7/9/2013 by Motion No. M2013-0021)

Rule 3B: Clerk of Council

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

- (1) Attend meetings of Council, determine quorums, record the proceedings and the votes of each Member, and keep the minutes of the proceedings;
- (2) Provide notices as required by the Charter, general law, and these Council Rules;
- (3) Accept, record, and compile proposed legislation for inclusion in the agenda of Council;
- (4) Deliver all adopted legislation to the Executive;
- (5) Deliver proposed legislation to the Committee Chairs;
- (6) Accept and provide to the President requests to address Council;
- (7) Publish all legislation as required by these Council Rules;
- (8) Publish the Record of Council;
- (9) Conduct the election of the President of Council;
- (10) Attend Council Committee meetings in person or by designee, determine quorums, record the proceedings and the votes of each member, keep the minutes of the proceedings, and accept and provide the Chairperson requests to address the Committee;
- (11) Any other duties that the Council or the Chief of Staff determines are necessary for the performance of Council's duties.

(Amended on 7/9/2013 by Motion No. M2013-0021)

Rule 3C: Other Council Personnel

- (1) The Council shall, by appropriate legislation, determine the initial job titles, compensation and duties of full or part-time staff as are needed to properly perform the duties of Council as set forth in the Charter; and in so doing, Council shall reference the classification and salary administration system as established by ordinance and administered by the ~~Personnel Review~~ Human Resources Commission. All Council personnel, including the Chief of Staff and Clerk of Council, shall be eligible to participate in cost of living increases and merit pay programs approved for non-bargaining employees of the County.
- (2) The Chief of Staff shall be authorized to make recommendations to the appropriate contracting authority concerning the compensation and duties of other personnel, such as contractors or professional experts or other consultants on a retainer or contract basis, as are needed to properly perform the duties of Council as set forth in the Charter.

(Amended on 7/9/2013 by Motion No. M2013-0021)

Rule 4. Quorum of Council

Rule 4A: Quorum Defined

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

Rule 4B: Clerk to Determine Quorum

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

Rule 4C: Absence of Quorum

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

Rule 5. Meetings of Council

Rule 5A: Schedule of Regular Council Meetings

At each Organizational Meeting, the Council, by ~~resolution~~~~Motion of Council~~, shall establish a schedule of the dates, times, and locations of all Regular Council meetings for the following two years.

Rule 5B: Regular Place and Times for Council Meetings

All meetings of Council shall take place at the County Council Chambers on the ~~fourth~~~~first~~ floor of the ~~Cuyahoga County Administrative Headquarters~~~~Justice Center~~ at ~~2079 East 9th Street~~~~1200 Ontario Avenue~~, Cleveland, Ohio ~~44115~~~~44113~~, unless otherwise specified. Regular Council Meetings shall take place on the 2nd and 4th Tuesday of each month at ~~5:00~~~~6:00~~ PM, unless otherwise specified in the ~~biennial~~~~annual~~ schedule established by the Council.

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

(1) The Council may, by ~~resolution~~~~Motion of Council~~, change the date, time, or place of any Regular Council Meeting or cancel any Regular Council Meeting; however, the Council shall provide at least three (3) days' notice in rescheduling any Regular Council Meeting. In an emergency, the President may cancel and/or

reschedule a Regular Council Meeting. Notice of any rescheduled Regular Meeting of Council shall be promptly given to all Members, posted on the County's website, posted at the Clerk's Office, and distributed to the news media that have requested this information.

(2) When any changes are made to the Council's ~~biennial~~^{annual} schedule, the Clerk shall promptly update the biennial schedule on the County's website. The Clerk shall also provide a copy of the current biennial schedule of Council meetings to any member of the public upon request.

Rule 5D: Notice Required for Adjourned Meeting of Council

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

Rule 5E: Special Council Meetings

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

Rule 5F: Notice Required for Special Council Meeting

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

Rule 5G: Digital Record of Council Meetings Required

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

Rule 5H: Absence of Members

Members are expected to attend all Regular Council Meetings. Not later than the second Regular Council Meeting following a meeting at which a Member is absent, the Council may vote to excuse that member's absence. Absences may be excused by parliamentary motion. The Clerk shall record the presence or absence of each Member at each Council Meeting, and shall record which absences are excused. As

provided in Article 12, Section 3 of the Charter, any Member who is absent from three consecutive Regular Council Meetings, without being excused by Council, shall forfeit his/her office in the Council.

Rule 5I: Council Meeting Agenda

The Clerk, with the approval of the President shall prepare the agenda for each Council meeting. The agenda shall include ~~proclamations~~, ordinances, resolutions, ~~Motions of Council~~, messages from the Council President, messages from the Executive, committee reports, and other business to be considered, arranged in order as provided for in Rule 6A.

Rule 5J: Publication of Agenda for Council Meetings

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

Rule 5K: Council Member Packets

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

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

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

Rule 6. Order of Business

Rule 6A: Order of Business

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

- (1) Call meeting to order
- (2) Roll Call
- (3) The Pledge of Allegiance to the flag of the United States of America
- (4) Silent meditation

(5) Public comment relating to today's agenda

(6) Approval of minutes

(7) Messages from the Council President~~Executive~~

(8) Messages from the Executive~~Consideration of Ceremonial Resolutions~~

~~(9) Consideration of Motions of Council~~

~~(910)~~ First reading of legislation by title

~~(1011)~~ Consideration of legislation~~motions~~ for first reading adoption under suspension of rules

~~(1112)~~ Committee reports and second reading of legislation by title

~~(1213)~~ Consideration of legislation~~motions~~ for second reading adoption under suspension of rules

~~(1314)~~ Consideration of legislation being read by title for the third time or more

~~(1415)~~ Report by Clerk on legislation withdrawn at request of sponsor(s)

~~(1516)~~ Miscellaneous committee reports

~~(1617)~~ Miscellaneous business

~~(1718)~~ Public comment not relating to today's agenda

(18) Legislation or other matters requiring Executive Session

(19) Adjournment of meeting

(Amended 5/8/2012 by Motion No. M2012-0004)

Rule 6B: Council Authority to Determine Agenda

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

Rule 7. Actions of Council

Rule 7A: Types of Council Action

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

Rule 7B: Ordinances

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

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

Ordinance No. _____

Sponsored by _____

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

Rule 7C: Resolutions

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

COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO

Resolution No. _____

Sponsored by: _____

- (3) Each resolution shall contain only one subject. The title shall be a succinct summary of the subject and purpose of the resolution.
- (4) The Clerk shall assign a number to each resolution, which shall indicate the year of introduction and the number of the resolution within that year.
- (5) The resolution shall state the sponsor and any cosponsors. Two or more Members may jointly sponsor a resolution.

(6) The resolution shall contain statements of support, followed by a resolution clause that reads, "Be it resolved by the County Council of Cuyahoga County, Ohio, that..."

~~Rule 7D: Ceremonial Resolutions~~

~~(1) Ceremonial resolutions are acknowledgements, generally of congratulation or condolence, to recognize a noteworthy event or person.~~

~~(2) Ceremonial resolutions shall be adopted in the same manner as other resolutions.~~

~~Rule 7E: Motions of Council~~

~~(1) Any non-legislative power of the County Council or actions not subject to Executive veto, other than Ceremonial Resolutions, may be exercised by adoption of a resolution in the form of a Motion of Council. These powers include, but are not limited to:~~

~~(A) Organization and administration of the Council.~~

~~(B) Confirmation or rejection of appointments proposed by the Executive.~~

~~(C) Actions necessary to exercise Council's oversight authority, pursuant to Article 3, Section 9, Subsection 10 and Article 3, Section 12 of the Charter.~~

~~(D) Actions expressing the sentiment of Council on a public issue.~~

~~(2) All approved Motions of Council shall be in written form, provide the full text of the motion, indicate the name(s) of the Member(s) who made the motion and the date of approval by Council, and shall be signed by the President and Clerk.~~

~~(3) A Motion of Council shall be adopted in the same way as other resolutions.~~

~~(4) The Clerk shall assign a number to all Motions of Council, and they shall be posted on the County's website and shall be kept in the Record of Council.~~

Rule ~~7D~~F: Parliamentary Motions

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

Rule ~~7E~~G: Sponsorship

Council member(s) and/or the Executive introducing legislation for consideration by Council shall be listed as sponsors of the legislation. At any point prior to final passage of legislation in Council, any sponsor may withdraw his/her name as a sponsor by notifying the Clerk.

At any point after the initial introduction of legislation for consideration by Council and prior to the final passage of legislation in Council, any Member may add or withdraw his/her name as a cosponsor by notifying the Clerk.

(Amended 1/22/2013 by Motion No. M2012-0030)

Rule 8. Decorum

Rule 8A: Visual Demonstrations Prohibited

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

Rule 8B: Respectful Presence

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

Rule 8C: Audible Communication Devices Prohibited

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

Rule 8D: Filming, Taping, and Recording

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

Rule 9. Parliamentary Procedure

Rule 9A: Parliamentary Procedure Manual

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

Rule 9B: Presiding Officer to Direct Meetings

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

Rule 9C: Reading of Legislation

Legislation shall be read by title only. When multiple items of a very similar nature are to be read in succession, the President may direct the Clerk to read them using abbreviated titles.

Rule 9D: Three Readings Required

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

Rule 9E: Parliamentary Motions

(1) Parliamentary motions are classified as follows: main motion, subsidiary motions, privileged motions, incidental motions, and renewal motions.

(2) Privileged motions do not relate to the pending business, but deal with matters of immediate importance, and given precedence, in the following order, starting with the highest:

(A) Adjourn to a time certain

(B) Adjourn

(C) Recess

(D) Raise a question of privilege, making a request relating to the rights of members

(E) Call for orders of the day, to ask that the Council or committee conform to the agenda

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

(A) To lay on the table, a motion to set aside business temporarily when something else of immediate urgency has arisen. This motion is not to be used simply to prevent a direct vote on a motion.

(B) Previous question, a motion to close debate and vote immediately, which requires a 2/3 vote of the Members present and voting.

(C) To limit or extend debate

(D) To postpone to a day certain

(E) To commit or refer to committee

(F) To postpone indefinitely

(G) To amend

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

(A) Point of order

(B) Suspension of the rules

(C) To withdraw a motion

(D) To divide a question, asking that allows a motion with several parts be considered as two or more separate questions.

(5) A main motion to bring an item for consideration before the Council or any committee of Council is not in order when any other question is before the Council and yields to all privileged, incidental, and subsidiary motions.

(6) The following renewal motions bring a question back before the Council or committee:

(A) Take from the table

(B) Rescind, a motion to cancel the action taken in a previously approved motion

(C) Reconsider, a motion to bring back for further consideration a motion that had previously been voted on.

Rule 9F: Renewal of Motions

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

Rule 9G: Motion to Reconsider

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

Rule 9H: Time Limit for Members Speaking

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

Rule 9I: Non-debatable Motion Following Speech Prohibited

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

Rule 9J: Amendments

All amendments shall be germane to the subject that is proposed to be amended. All proposed amendments to an ordinance or; resolution, ~~or Motion of Council~~ shall be in written form, except that the President or the chairperson of a committee may accept for consideration a verbal amendment that is clear, unambiguous, and may be presented in a single sentence or a few words. A parliamentary motion need not be in written form.

Rule 9K: Committee Authority to Pass Amendments

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

Rule 9L: Executive Appointments

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

~~Rule 9M: Expedited Consideration of Executive Appointments~~

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

Rule 9MN: Council Appointments

Appointments to Boards, Commissions, and Advisory Committees that the Charter directs be made by the Council shall be done by resolution. ~~a Motion of Council~~. The

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

Rule 10. Voting

Rule 10A: Duty to Vote and Recusal

Every Member present shall vote on every question in Council or in committee, unless the Member has recused him/herself, except that a Member may abstain from voting on questions relating to the minutes of a meeting at which the Member was absent. A Member shall recuse him/herself from voting whenever the Member has a personal or monetary interest in any manner under consideration or believes that voting on the matter could for any reason constitute a violation of state or county ethics law.

(Amended 5/8/2012 by Motion No. M2012-0004)

Rule 10B: Proxy Voting Prohibited

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

Rule 10C: Voting Procedure

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

Rule 10D: Change of Vote

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

Rule 11. Legislation

Rule 11A: Information Required in Legislation

Legislation, consisting of ordinances and resolutions, shall recite the name of the

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

Rule 11B: Signatures Required for Adoption of Legislation

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

Rule 11C: Clerk to Maintain Legislation

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

Rule 11D: Vote Required for Adoption of Legislation

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

Rule 11E: Effective Date of Legislation

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

Rule 11F: Expiration of Pending Legislation

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

(2) In addition, legislation may be withdrawn at any time by letter to the Clerk from all of the initial sponsors of the legislation, requesting that it be withdrawn. The letter may be sent by electronic mail. At each meeting of Council, the Clerk shall announce any legislation that has been withdrawn by letter, and the items withdrawn shall be listed in the minutes of the meeting.

(Amended 5/8/2012 by Motion No. M2012-0004 and 1/22/2013 by Motion No. M2012-0030)

Rule 11G: Reconsideration After Executive Veto

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

Rule 11H: Publication and Codification of Legislation

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

Rule 11I: Codification of Legislation

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

Rule 11J: Authorization to Make Technical Changes

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

- (1) Creating a consistent system of capitalization.
- (2) Making chapter, section, and subdivision designations consistent.
- (3) Substituting for the term "this ordinance," if necessary, a term such as "section" or "chapter."
- (4) Substituting the proper calendar date for phrases such as "effective date of this ordinance."

(5) Elimination from the Cuyahoga County Code ~~Codified Ordinances~~ of titles to ordinances, enacting and repealing clauses, statements of facts, preambles, effective dates, declarations of severability and reasons for ordinances to become effective immediately upon enactment.

Rule 11K: Historical Record of the Cuyahoga County Code ~~Codified Ordinances~~

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

Rule 11L: Maintenance of the Cuyahoga County Code ~~Codified Ordinances~~

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

Rule 12. Committees

Rule 12A: Referral to Committee

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

Rule 12B: Referral to Multiple Committees

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

(1) If a matter is referred to multiple committees sequentially, it shall be heard in Council on second reading after being reviewed by all assigned committees. The recommendations of all assigned committees shall be considered and the matter shall be reported in the form recommended by the last committee.

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

Rule 12C: Joint Committees

The President may assign a matter to be heard jointly by two or more standing committees. The President shall determine the Chairperson and Vice-Chairperson of the joint committee from the Chairpersons and Vice-Chairpersons of the standing committees that make up the joint committee. A quorum of the joint committee shall

be a majority of all of its Members, and each Member shall have one vote on the joint committee, regardless of whether they belong to one or more of the standing committees that make up the joint committee.

Rule 12D: Subcommittees

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

Rule 12E: Advisory Subcommittees

(1) The Chairperson of any standing committee, with the approval of the President as described more fully below, may appoint the Chairperson, Vice-Chairperson, and members of one or more advisory subcommittees, comprised of one or more Members of that standing committee and one or more members of the general public, to study and make written recommendations to the full committee on specific subjects within that standing committee's jurisdiction. Members of the public serving on advisory subcommittees shall be electors of Cuyahoga County and shall serve at the pleasure of the Chairperson. The Chairperson of each advisory subcommittee shall be a Member of Council.

(2) Prior to the appointment of any advisory subcommittee, the President of Council shall approve the purpose, duration, persons to be appointed as officers, and persons to be appointed as members of the advisory subcommittee.

(3) Except for appointment and composition as provided above, all rules that apply to Committees of Council shall also apply to advisory subcommittees, including but not limited to rules regarding notice of meetings, keeping of minutes, advance publication of the agenda, and provision of time for public comment.

Rule 12F: Temporary Appointments to Committee

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

Rule 12G: Standing Committees

The following standing committees are established for the Council:

- (1) Health, Human Services & Aging
- (2) Public Safety & Justice Affairs
- (3) Economic Development & Planning
- (4) Finance & Budgeting
- (5) Public Works, Procurement & Contracting
- (6) Human Resources, Appointments & Equity
- (7) Education, Environment & Sustainability
- (8) Council Operations & Intergovernmental Relations

(Amended 1/22/2013 by Motion No. M2012-0030)

Rule 12H: Committee Assignments to be for Two Years

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

Rule 12I: President to Appoint Committees

Not later than the second Regular Council Meeting following each Organizational Meeting, the President shall appoint the Chairperson, Vice-Chairperson, and Members for each standing committee. The President shall also make appointments to fill any vacancies in positions as Chairperson, Vice-Chairperson, or member of any standing committee. The President shall to the best extent possible, make committee assignments that reflect the interests and experience of Members.

(Amended 5/8/2012 by Motion No. M2012-0004)

Rule 12J: Council to Set Regular Committee Times

Not later than the third Regular Council Meeting each year, the Council shall pass a ~~resolution~~ Motion of Council, setting the regular days, meeting times, and locations for the standing committee meetings. After the regular schedule of standing committees is set, the Chairperson of any standing committee may, with the approval of the President, change the regular day, time, or location of a standing committee. The Clerk shall update the list provided for in Rule 12 ~~VW~~ to reflect any changes.

Rule 12K: Special Committees

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

~~Rule 12L: Committees to Appoint Secretary~~

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

Rule 12LM: Quorum and Record of Attendance at Committee Meetings

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

Rule 12MN: Notice Requirements for Committee Meetings

Except as provided in Rule 12NO, all Members shall be notified of the date, time, location, and agenda for any committee meeting at least two (2) business days before the meeting, and the same information shall at the same time be listed in the Record of Council, posted on the County's website, and posted at the Clerk's Office. For any committee meeting that is scheduled for a day, time or location other than its regularly scheduled day, time, and location as provided for in Rule 12J, the same information shall be distributed to the news media that have requested this information. The agenda shall include a list by number and short title of all legislation to be considered at the meeting.

Rule 12NO: Emergency Committee Meeting

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

Rule 12OP: Vote Required for Committee Recommendations

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

Rule 12PQ: Committee Reports

For each committee meeting at which legislation is heard, the minutes shall include a separate section providing a status report listing all legislation heard by number and short title and stating the action taken by the committee on each item. Whenever legislation is amended in committee or a substitute version is accepted, whether or not the legislation is reported out of committee, a copy of the latest version shall be attached to the minutes, included in the Record of Council, and included in a posting of pending legislation on the County's website.

Rule 12QR: Clerk or Designee to Staff Committees

The Clerk shall determine the presence of a quorum, keep minutes, and record votes at each committee meeting, but may appoint another member of Council's staff to perform these duties for any committee meeting. Minutes shall be kept at each committee meeting and shall be promptly included in the Record of Council and posted on the County's website, but in no case later than seven (7) days after the conclusion of the meeting.

Rule 12RS: Committee of the Whole

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

Rule 12ST: Discharge from Committee

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

Rule 12TU: Participation of Members at Committee Meetings

Any Member may be seated at the committee table and participate in all discussions, whether or not that Member has been appointed to that committee; however, a Member who has not been appointed to a committee may not offer motions or vote at that committee.

Rule 12UV: Notice Provisions for Adjourned Committee Meeting

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

assigned to the committee.

Rule 12~~V~~W: List of Committees

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

Rule 13. Work Sessions

Rule 13A: Work Sessions

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

Rule 13B: Work Sessions Considered Committee Meetings

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

Rule 13C: Informal Process Permitted at Work Sessions

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

Rule 13D: No Formal Action Permitted at Work Sessions

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

Rule 14. Open Records, Executive Session, Specific Notice

Rule 14A: Open Meetings

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

Rule 14B: Availability of Public Records

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

Rule 14C: Executive Session

Notwithstanding Rule 14A, the Council or any Council committee may conduct an Executive Session under the provisions of Ohio Revised Code Section 121.22, as amended. The motion to adjourn to an Executive Session shall be specific as to the matters to be discussed during the Executive Session and shall require the affirmative vote of a majority of Members present. An Executive Session may be conducted only if the intent to conduct an Executive Session is stated in the published agenda for the meeting at which the Executive Session is to be conducted. Minutes shall be kept at all Executive Sessions and shall be included within the minutes of the meeting at which the Executive session was conducted. The minutes of an Executive Session shall include the location of the meeting, the date and time that the meeting started and concluded, a list of Members present, the names and titles of other persons present, and general subject matter(s) discussed.

Rule 14D: Advance Notice of Meetings Concerning Specific Topics

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

Rule 14E: Notice Available to News Media

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

Rule 14F: Requirements for Emergency Meeting

No Council Meeting or Committee Meeting may be held with less than twenty-four (24) hours notice unless (1) the meeting is called to deal with an emergency requiring

immediate official action, (2) the appropriate rules are suspended as provided for in these Rules of Council, and (3) the public notice and other requirements of Section 121.22 of the Ohio Revised Code regarding such meetings are complied with.

Rule 15. Records of Meetings of Council and Committees

Rule 15A: Minutes of Council Meetings

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

Rule 15B: Minutes to be Provided to Council Members

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

Rule 15C: Record of Council

The Clerk shall keep a Record of Council, which shall be posted on the County's website and kept in a permanent file, which may be in an electronic format. The Record shall include all minutes and shall include a list of all legislation, including the number, title, sponsor, date of first reading, committee assignment, date of second reading, date of third reading, or date of dispensing with the requirement for three readings, and date of the adoption or failure to adopt. The Record of Council shall also include the agenda for all Council meetings and the agenda and minutes for all committee meetings.

Rule 16. Continuity, Amendment and Suspension of Rules

Rule 16A: Continuity of Rules

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

Rule 16B: Amendment of Rules

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

Rule 16C: Suspension of Rules

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

quorum is present.

Rule 17. Requests to Address Council

Rule 17A: Public Comment at Committee Meetings

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

Rule 17B: Public Comment Available at All Committee Meetings

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

Rule 17C: Public Comment at Council Meetings

The Council shall provide time at the beginning of each Council meeting for public comment regarding items on the agenda for that meeting, and shall provide time at the end of each Council meeting for public comment that relates to County business but does not relate to the agenda for that meeting. Requests to address Council shall be made in writing to the Clerk prior to the meeting on a form to be provided for this purpose. Requests submitted to the Clerk not later than 12 Noon on the day of the meeting shall be given priority in the order of presentation. After being recognized by the President, the presenter shall state his/her name and address and may speak for not more than three (3) minutes, unless such time is extended at the discretion of the President.

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0033

Sponsored by: Councilmember Miller	An Ordinance amending Chapter 701 of the Cuyahoga County Code by adding Sections 701.08, 701.09 and 701.10 to establish guidelines for financial management of operations and a long-term financial plan for Cuyahoga County.
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WHEREAS, Sections 2.03(9) and 2.03(10) of the Cuyahoga County Charter require the County Executive to submit to Council on a biennial basis a proposed operating budget, capital improvements plan, and detailed supporting financial information on revenues and expenditures; and,

WHEREAS, Section 3.09(5) of the Cuyahoga County Charter gives Council the power to adopt and amend the County's biennial operating budget and capital improvements program and to make appropriations for the County; and,

WHEREAS, the County Office of Budget and Management (OBM) within the Fiscal Office manages the County's budgeting process on behalf of the County Executive; and,

WHEREAS, Cuyahoga County adopted a biennial budget process through Ordinance No. O2011-0036 on 9/13/2011 and the power for a biennial operating budget was incorporated into the County Charter by the voters on November 6, 2012; and,

WHEREAS, the Council desires to address a number of the State of Ohio Auditor's findings in their 2013 Annual Audit of Cuyahoga County; and,

WHEREAS, the Council adopted Ordinance No. O2014-0021 on 10/14/2014 establishing guidelines for the County's investment policy and financial reporting requirements for Cuyahoga County; and,

WHEREAS, Executive and Council collaboration on the budget process would be facilitated by a regular pattern of financial management of operations and long term planning.

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

SECTION 1. The Cuyahoga County Council hereby amends Chapter 701 of the Cuyahoga County Code by adding Sections 701.08, 701.09 and 701.10 to Chapter

701 to establish guidelines for financial management of operations and a long-term financial plan for Cuyahoga County and shall read as follows:

Chapter 701

Section 701.08: Financial Management Operations

- (A) The General Operating Fund may be used for any County funded activity, including health and human services.
- (B) In order to assist County departments and agencies to make effective resource allocation decisions, the Office of Budget and Management shall make recommendations regarding expenditure options. In making such recommendations, OBM shall consider but not be limited to options that meet one or more of the following priority objectives:
 - (1) Provides services required by law, administrative regulation, court order, or current contractual agreement;
 - (2) Provides services required to ensure public safety and welfare;
 - (3) Supports efficient delivery of essential public services at current or expanded levels;
 - (4) Promotes effective management control of resources;
 - (5) Required to preserve a facility or protect a county asset;
 - (6) Results in cost reductions in the current and/or future years or reduces the need for other costly County services; and
 - (7) Leverages significant funding from sources other than local County funds.
- (C) Departments and agencies are expected to submit requests for additional personnel as part of the biennial budget process or the budget review prior to the second year of the biennium, in order not to create obligations prior to budget review. Personnel levels authorized in the budget for departments and agencies with more than fifty (50) full-time equivalent staff shall be considered an average for the year, provided that the staffing level is not managed so as to carry staffing above the authorized level into a subsequent year.
- (D) OBM shall monitor the County budget on an ongoing basis and submit legislation to Council to authorize any increases or decreases in appropriations, transfers between budget accounts, and cash transfers, except that OBM may, without legislation, make budget transfers that are within both the same index code and object code. OBM shall submit to Council any budget adjustments needed to ensure that all County funds meet requirements set forth in general law regarding positive fund balances, sufficiency of resources, and appropriation authority for expenditures.
- (E) Any increase or decrease in appropriation, transfer between budget accounts, and/or cash transfer initiated by Council outside of the biennial budget or

second year budget update process shall be submitted to OBM by the Clerk of Council prior to introduction.

- (F) The Fiscal Officer shall certify that sufficient funds are available for all expenditures as provided in general law. Such certification shall be made prior to expenditure of funds, except that in exceptional circumstances, certification may be made through the “then and now” process authorized in general law.

Section 701.09: Long-Term Planning and Stabilization

- (A) OBM shall proactively monitor projected revenues and expenses, using a forecasting horizon of five (5) years or longer, and shall promptly report to the County Executive and Council any conditions or trends that threaten the County’s ability to maintain General Fund and Health and Human Services Levy Fund reserves at or above the thresholds provided in Chapters 706 and 707. Except during a sudden financial emergency, such reports may be made as part of the regular financial reporting provided for in Section 701.07.
- (B) The County Executive and Council shall conduct a Reserve Stabilization Planning Process whenever any of the following occur:
 - (1) The reserve percentage reaches twenty-six percent (26%) or less in the General Fund or eleven (11%) or less in the Health and Human Services Levy Fund; or
 - (2) The Executive, OBM, or Council identifies trends reasonably expected to bring the General Fund and/or the Health and Human Services Levy Fund reserves below its reserve threshold with one year; or
 - (3) There is an excess of operating expenses over revenues, net of one-time expenditures, in the General Fund or the Health and Human Services Levy fund of more than three percent (3%) in any fiscal year; or
 - (4) The Executive and Council for any other reason agree to do so.
- (C) When conducting a Reserve Stabilization Planning Process, the County Executive and Council shall, within four (4) months after Subsection (B) of this section is triggered:
 - (1) Prepare a plan for the affected fund(s) to ensure long term structural balance and maintain or restore the reserve percentage at or above its reserve threshold; and
 - (2) Include in the plan a process for ongoing monitoring and revision of the plan, as needed.

Section 701.10: Administrative Financial Rules

Administrative financial rules shall be adopted, amended, rescinded, and administered as provided in Chapter 113 of the County Code. The administrative financial rules

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0034

Sponsored by: Councilmember Jones	An Ordinance enacting Chapter 703 of the Cuyahoga County Code to establish a procedure for the County to enter into delinquent land contracts with qualified tax payers, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, pursuant to division (A) of Section 323.31 of the Ohio Revised Code, a County, through its treasurer, may enter into a written delinquent tax contract with an owner or vendee of real property for the purpose of paying any delinquent or unpaid current taxes, or both, charged against the property at any time prior to an adjudication of foreclosure pursuant to sections 323.25, 323.65 to 323.79, 5721.14, 5721.18, or 5721.37 of the Revised Code or the commencement of collection proceedings pursuant to division (H) of section 4503.06 of the Revised the Ohio Revised Code by the filing of a civil action as provided in that section; and

WHEREAS, pursuant to division (A) of Section 323.31 of the Ohio Revised Code, the delinquent tax contract allows for the payment of any delinquent or unpaid current taxes, or both, in installments over a period not to exceed five years after the date of the first payment made under the contract; and

WHEREAS, neither division (A) of Section 323.31 nor any other Section of the Revised Code prohibits a County from entering into a delinquent tax contract with an owner or vendee of real property after the owner or vendee has defaulted on a prior delinquent tax contract;

WHEREAS, this Council finds that in the wake of the foreclosure crisis and the great recession, it is the best interests of the County to formalize a procedure for entering into delinquent tax contracts with select delinquent taxpayers as provided in this ordinance allowing for more than one chance to fulfill property tax obligations through an installment plan for qualified tax payers; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that home owners and small businesses struggling to pay their real estate taxes in the current economic climate necessary can enter into a delinquent tax contract and not fear losing their property through a tax foreclosure proceeding.

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

SECTION 1. Chapter 703 of the Cuyahoga County Code shall be enacted to read as follows:

CHAPTER 703: Delinquent Property Tax Collection

Section 703.01: Delinquent Tax Contracts

All delinquent tax contracts entered into by the County shall not be inconsistent with section 323.31 of the Ohio Revised Code. With the authorizations set forth in that section, the County, through the County Treasurer, shall offer to enter into a delinquent tax contract with an owner or vendee of real property to pay any delinquent or unpaid current taxes charged against such real property for a term of no less than three years and no greater than five years if all of the following conditions apply:

- A. the delinquent taxpayer has been the recorded owner or vendee of the real property in question for five or more consecutive years;
- B. the delinquent taxes due on the property have been certified delinquent for five or fewer years; and
- C. the total amount of delinquent taxes on such real property does not exceed seventy-five thousand dollars;
- D. the owner or vendee of the real property in question has not defaulted on three or more delinquent tax contracts on such real property in the past five years.

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

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

Yeas:

Nays:

County Council President Date _____

County Executive Date _____

Clerk of Council Date _____

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

Journal _____
_____, 2014

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0035

Sponsored by: Council President Connally on behalf of Personnel Review Commission	An Ordinance amending Chapter 303 of the Cuyahoga County Code to update the Civil Service Code of Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article IX of the Charter of Cuyahoga County creates a Personnel Review Commission that shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness; and,

WHEREAS, the Personnel Review Commission considered this matter and has undertaken significant review, evaluation and modification of such submitted changes to the Cuyahoga County Civil Service code; and,

WHEREAS, on August 6, 2014, the Personnel Review Commission recommended the proposed modifications to the County's Civil Service Code, and recommended to County Council the formal adoption and implementation of the same; and,

WHEREAS, Section 9.01 of the Charter of Cuyahoga County states that the County's human resources policies and systems shall be established by ordinance and shall be administered in such a manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

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

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

SECTION 1. The Personnel Review Commission and the Human Resources Department shall cooperate in the transition of the duties as provided herein.

SECTION 2. Paragraph (A) of Section 303.01 of the Cuyahoga County Code is hereby amended as follows:

Section 303.01 Pay Equity

- A. The following Sections of Chapter 124 of the Ohio Revised Code are hereby amended as they apply to County employees. All sections of Chapter 124 that are not specifically amended or superseded by this Chapter 303 remain in full effect in their entirety.

124.14 - Job Classification - Pay Ranges.

(A)(1) The ~~Director of Human Resources~~ Personnel Review Commission shall establish, and may modify or rescind, subject to approval by ~~the Human Resource Commission, the County Executive, and County Council,~~ a job classification plan in accordance with the requirements of Section 9.04 of the Cuyahoga County Charter. The ~~Director~~ Commission shall group jobs within a classification so that the positions are similar enough in duties and responsibilities to be described by the same title, to have the same pay assigned with equity, and to have the same qualifications for selection applied. The ~~Director~~ Commission shall assign a classification title to each classification within the classification plan. However, the ~~Director~~ Commission shall consider in establishing classifications, including classifications with parenthetical titles, and assigning pay ranges such factors as duties performed only on one shift, special skills in short supply in the labor market, recruitment problems, separation rates, comparative salary rates, the amount of training required, and other conditions affecting employment. The ~~Director~~ Commission shall describe the duties and responsibilities of the class, and establish the qualifications for being employed in each position in the class.

The ~~Director~~ Commission shall assign each classification to an equitable pay range.

(2) *(Retained in its entirety)*

(3) *(Deleted in its entirety)*

(4) The ~~Director~~ Commission shall, subject to approval by ~~the Human Resource Commission, the County Executive, and County Council,~~ assign related classifications, which form a career progression, to a classification series. The ~~Director~~ Commission shall, subject to approval by ~~the Human Resource Commission, the County Executive and County Council,~~ assign each classification in the classification plan a five-digit number, the first four digits of which shall denote the classification series to which the classification is assigned. When a career progression encompasses more

than ten classifications, the ~~Director~~ **Commission** shall, subject to approval by ~~the Human Resource Commission, the County Executive and County Council~~, identify the additional classifications belonging to a classification series. The additional classifications shall be part of the classification series, notwithstanding the fact that the first four digits of the number assigned to the additional classifications do not correspond to the first four digits of the numbers assigned to other classifications in the classification series.

(5) *(Deleted in its entirety)*

(B) Division (A) of this section only applies to those positions identified in Section 9.03 of the Charter.

(1) *(Deleted in its entirety)*

(2) *(Deleted in its entirety)*

(3) *(Deleted in its entirety)*

(4) *(Deleted in its entirety)*

(5) *(Deleted in its entirety)*

(C) *(Retained in its entirety)*

(D)(1) When the ~~Director~~ **Commission** ~~proposes to modify~~ **modifies** a classification or the assignment of classes to appropriate pay ranges, the ~~Director~~ **Commission** shall ~~send written notice of the proposed rule to the Human Resource Commission. The Human Resource Commission shall review the proposed action in an open meeting. If the Human Resource Commission approves of the proposed action, it shall submit the proposed action to County Council.~~

(2) When the Director proposes to reassign any employee or reclassify any position, **as long as the reclassification does not result in a modification of the County's Class Plan,** ~~so that an~~ **and** an employee is adversely affected, the Director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range and step, and salary. If the **reassignment or** reclassification results in a reduction in salary, the employee shall be offered an opportunity to meet with the Director or designee to dispute the proposed change. Subsequent to this meeting, or the employee's waiver of this meeting, the Director shall provide the employee written notice of the final decision regarding the proposed reduction. The employee may then file an appeal of the Director's final decision to the Personnel Review Commission in accordance with the process described below.

Upon the request of any classified employee who is not serving in a probationary period, the Director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The Director shall give to the employee affected and to the employee's appointing authority a written notice of the Director's determination whether or not to reclassify the position or to reassign the employee to another classification. An employee desiring a hearing shall file a written request for the hearing with the Personnel Review Commission within the timeframe as set forth in the Personnel Review Commission's Rules. The Commission shall set the matter for a hearing and notify the employee and appointing authority of the time and place of the hearing. The employee, the appointing authority, or any authorized representative of the employee who wishes to submit facts for the consideration of the board shall be afforded reasonable opportunity to do so. After the hearing, the Commission shall consider anew the reclassification and may order the reclassification of the employee and require the Director to assign the employee to such appropriate classification as the facts and evidence warrant. As provided in division (A)(1) of section 124.03 of the Revised Code, the Commission may determine the most appropriate classification for the position of any employee coming before the board, with or without a job audit. The Commission shall disallow any reclassification or reassignment classification of any employee when it finds that changes have been made in the duties and responsibilities of any particular employee for political, religious, or other unjust reasons.

(E) *(Deleted in its entirety)*

(F) *(Deleted in its entirety)*

(G) *(Retained in its entirety)*

(H) *(Deleted in its entirety)*

(I) *(Retained in its entirety)*

SECTION 3. Sections 303.02 to 303.06 of the Cuyahoga County Code are hereby enacted as follows:

Section 303.02 Definitions

As used in Chapter 303 of the Cuyahoga County Code and the Personnel Review Commission's Rules:

- A. Abolishment – Means one of the following:
 - a. Abolishment of Classification – The permanent deletion of a classification from the organization due to lack of continued need for the classification, due to reorganization for efficient operation, economy or lack of work, or other lawful purpose; or
 - b. Abolishment of Position – The permanent deletion of a position from the structure of an Appointing Authority due to lack of continued need for the position, due to reorganization for efficient operation, economy or lack of work, or other lawful purpose.
- B. Appeal—An action by which an affected party challenges the decision or determination of an Appointing Authority, the Director, and/or the Commission.
- C. Appointment – Placement of an employee in a position.
- D. Appointing Authority – Means the same as defined in Section 9.04 of the Cuyahoga County Charter.
- E. Classification – Means one of the following:
 - a. A group of positions of sufficiently similar duties that the same title and specification may be assigned to each; or
 - b. The act of assigning a classification title to a position(s) based upon the duties performed.
- F. Commission – The Cuyahoga County Personnel Review Commission.
- G. Competitive Examination— Method used by the Commission to assess the relative capability of qualified applicants to perform the duties and responsibilities of the classification.
- H. County – As defined in the Charter.
- I. Demotion – The act of placing an individual in a position, at the request of an Appointing Authority or the employee, the classification for which carries a lower salary range than that of the classification the employee currently holds.
- J. Director – The Director of the Cuyahoga County Human Resources Department as appointed by the County Executive.

- K. Eligibility List – A list of names established by the Commission for the purpose of filling vacancies in the classified service.
- L. Ethics Code – Title IV of the Cuyahoga County Code and any revisions thereto.
- M. Human Resources Department – The Cuyahoga County Department of Human Resources.
- N. Layoff – A suspension of employment due to either a lack of work or a lack of funds, or other lawful purpose.
- O. Meeting – Any prearranged discussion of the public business of the PRC by a majority of its members.
- P. Noncompetitive Examination – An examination that evaluates individual candidates based upon established criteria to determine which applicants are qualified to fill appointments to positions requiring exceptional qualifications of a scientific, professional, educational, or managerial character or positions where it is impractical to develop and administer competitive examinations.
- Q. Pay – The annual, non-overtime compensation due an employee.
- R. Pay Equity Ordinance – Chapter 303 of the Cuyahoga County Code and any revisions thereto.
- S. Pay Range – The pay grade assigned to a position or classification.
- T. Position – The name that applies to a group of duties intended to be performed by an employee.
- U. Promotion – The appointment of an employee to a different position assigned a higher pay range than the employee’s previous position.
- V. Reassignment – The assignment of an employee to a different classification.
- W. Reclassification – The assignment of a position to a different classification.
- X. Reduction in Pay – An action that diminishes an employee’s pay. The ending of supplemental pay shall not be considered a reduction.

- Y. Reduction in Position – An action that diminishes an employee’s duties or responsibilities to the extent an audit of the employee’s position would result in a reclassification to a classification assigned a lower pay range.
- Z. Removal – Termination of an employee’s employment.
- AA. Request for Reconsideration - A request made by an affected party seeking the Commission’s reconsideration of certain pre-employment determinations made by the Commission. See Rules 7.03 and 9.05.
- BB. Suspension – The interruption of an employee’s employment and compensation for a fixed period of time.

Section 303.03 Examinations

A. General Provisions

The Cuyahoga County Personnel Review Commission shall provide for the:

1. Administration, preparation, conducting, grading, and validation of all competitive examinations for positions in the County’s classified service;
2. Evaluation of qualifications for all noncompetitive positions in the County’s classified service; and
3. Preparation and maintenance of eligible lists containing the names, scores, and rankings of persons qualified for appointment to positions in the classified service.

B. Announcements & Applications

The Cuyahoga County Personnel Review Commission shall give reasonable notice of the time, place, and general scope of competitive examinations for positions in the County’s classified civil service. Examination announcements shall be posted electronically on both the Personnel Review Commission’s and Cuyahoga County’s website.

Applicants for classified civil service positions shall file one application that will serve as both the request to take the examination and as the application for employment with the County.

C. Rejection of Applicants

All applications shall be reviewed by the Cuyahoga County Personnel Review Commission. Applications may be rejected for any of the following reasons:

1. It was not filed within the prescribed time period.
2. That the applicant has not met one or more of the minimum qualifications of the position.
3. That the applicant has made a false statement on the application.
4. Any other just or reasonable cause that is job-related and non-discriminatory.

Upon rejecting any application, the Personnel Review Commission shall promptly notify the applicant of the reason for the rejection at the electronic mail address provided on the application. The applicant may, within five (5) calendar days after the date of the notice, file a written request for reconsideration of such rejection that shall set forth why the rejection was in error and providing evidence of the same. The Personnel Review Commission will not consider requests that contest the qualifications established for the position. If a request for reconsideration from a rejection is pending at the time an examination is scheduled to be held, the applicant shall be allowed to take the examination pending the resolution of the request. If the Personnel Review Commission, within its sole discretion, finds the rejection justified, the applicant's examination shall not be graded. Consideration of an applicant's request for reconsideration shall not be quasi-judicial and shall not result in a final order that entitles the applicant to an administrative appeal to the Personnel Review Commission.

D. Fraud

Fraud in examinations is prohibited and shall result in automatic disqualification. No person shall:

1. Falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of the civil service law, or aid in so doing;
2. Make any false representations concerning the results of such examination or concerning any person examined;
3. Furnish to another person special or secret information for the purpose of either improving or injuring the prospects or chances of another person so examined, registered or certified, or to be appointed, employed or promoted;
4. Impersonate another person, or permit or aid in any manner another person to impersonate an applicant, in connection with any

examination, registration or appointment or application or request to be examined, registered or appointed;

5. Furnish false information about himself/herself, or other person, in connection with any examination, registration, or appointment or application or request to be examined, registered or appointed;
6. Make known or assist in making known to any applicant for examination any question to be asked on such examination;
7. Acquire, through fraudulent means, any exam content or question(s) to be asked on the examination prior to the examination; or
8. Personally solicit a favor from any appointing officer, or have any person on his/her behalf solicit a favor pertaining to the testing procedures of the Personnel Review Commission.

Any person or persons attempting to deceive any of the examiners in any manner whatsoever by impersonation or by assisting or receiving assistance as described above, shall be prohibited from taking any examination for employment with Cuyahoga County for a period of two (2) years. If the person is already employed by the County, such conduct shall be grounds for disciplinary action.

E. Method of Grading

The method of grading, including the setting of minimum passing scores, weighting of multiple test components, rank ordering, banding, protests, or any other consideration in determining an applicant's score on an employment test, shall be determined by the Personnel Review Commission on a test-by-test basis.

F. Military Service Credit

Any person who has completed service in the uniformed services and who has been honorably discharged from the uniformed services or transferred to the reserve with evidence of satisfactory service may file with the Commission a certificate of service or honorable discharge, and, upon this filing, the person shall receive an additional credit of five (5) numerical points or 5% of his or her score, whichever is greater, provided the applicant has received a passing grade in all phases of the examination before addition of the military service credit. Credit for uniformed service will not be given if the request for such credit is received by the Commission after an eligibility list for any examination has been established. As used in this Section, "service in the uniformed services" and "uniformed services" have the same meaning as the "Uniformed Services Employment and Reemployment Rights Act of 1994,..." 38 U.S.C.A. 4303"

which meaning shall be: The Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or a full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in the time of war or national emergency.

G. Noncompetitive Examinations

For positions designated as noncompetitive, the Personnel Review Commission may suspend competition. Applicants for noncompetitive positions shall file an application, together with such proof of education, training, experience, ability and character, as shall be set forth in the examination announcement. The Personnel Review Commission shall evaluate the applications to determine if the applicants meet the minimum requirements of the class specifications for the class being examined. Following this review, an eligibility list shall be prepared including the names of all applicants who met the minimum requirements. Applicants will appear in alphabetical order.

H. Eligibility Lists

Eligibility lists shall remain in force not longer than one (1) year; however, the Personnel Review Commission may, at its discretion, extend the duration of an eligibility list.

I. Breaking Tie Grades

In the event two (2) or more applicants receive the same grade on an open competitive examination in which rank ordering is used in establishing the eligibility list, priority in the time of filing the application shall determine the order in which their names shall be placed on the eligible list; applicants eligible for Military Service Credit shall receive priority in rank on the eligible list over non-veterans on the list with a rating equal to that of the veteran. Ties among applicants receiving Military Service Credit shall be decided by which application was filed earlier.

J. Removal from List

Names may be removed from an eligibility list by action of the Personnel Review Commission for the following reasons:

1. At the request of the eligible candidate.
2. After three certifications or considerations without receiving an appointment.

3. Failure to pass a pre-employment background check and/or drug or alcohol screen.
4. Failure to appear for an interview.
5. Inability to locate the eligible at his or her last known address.
6. Practice or attempt to practice any deception in his or her application or in securing eligibility or appointment.
7. Any other just or reasonable cause that is job-related and non-discriminatory.

If a candidate requests removal, and the request is based on illness, military service, or conflict with schooling, that candidate may be restored to the eligibility list when that candidate indicates renewed availability for consideration if the eligibility list is still in effect as provided in Section 303.03(H). If a candidate's name is removed for any of the other reasons set forth in this Section, the candidate may make a written request for reconsideration to the Personnel Review Commission for the restoration of his or her name to the eligibility list. Such request shall be made within five (5) calendar days of date the notification of removal from the list was electronically mailed and shall set forth why the removal was in error, stating the reasons that would justify restoration to the list, and providing evidence of the same. Restoration to the eligibility list is within the sole discretion of the Personnel Review Commission. However, consideration of a candidate's request for reconsideration shall not be quasi-judicial and shall not result in a final order that entitles the candidate to an administrative appeal to the Personnel Review Commission.

K. Certification

1. Certification Request

When an Appointing Authority desires to fill a vacancy in any position in the classified service (excluding promotions), the Appointing Authority shall submit a request to the Personnel Review Commission specifying the department, title of the position, grade, whether the service is temporary or permanent, and the anticipated date of the vacancy.

2. Number of Names to be Certified

Following a certification request from an Appointing Authority, the Personnel Review Commission shall certify the names, addresses, and rank of the top twenty-five percent (25%) or a minimum of ten

(10) names of the applicants on the eligibility list for the class or grade to which the position is classified. When less than 10 names appear on an eligibility list, the Personnel Commission may certify less than ten (10) names and a new examination may be scheduled.

3. Certification Not More Than Three Times

A person certified from the same eligibility list three (3) times to the same Appointing Authority may be omitted from future certifications. A person is “certified,” for purposes of this section, each time an appointment is made from a certified eligibility list containing that person’s name.

Section 303.04 Classification and Compensation Plans

A. Classification Plan

The Personnel Review Commission shall administer a countywide classification plan. The classification plan shall be established and adopted by the Personnel Review Commission subject to approval by Cuyahoga County Council. The plan shall provide for the classification and standardization of all positions in the County’s classified service. The classification system will serve to organize the work performed by the County’s classified employees, and will organize positions into classifications on the basis of duties and responsibilities. All positions in the service of Cuyahoga County, except those specifically designated as unclassified, shall be in the classified service. The unclassified service shall consist of the positions specifically exempted from the classified service by general law, the Charter, Ordinance or the Personnel Review Commission. Persons employed in a position in the unclassified service serve at the pleasure of the appointing authority and may be removed from their unclassified position at any time for any lawful reason. All appointing authorities shall provide reports detailing the appointment of employees to the unclassified service to the Personnel Review Commission in accordance with the procedures contained in the Personnel Review Commission’s Rules.

B. Compensation Plan

The Personnel Review Commission shall administer a compensation plan for the County’s non-bargaining unit, classified employees, and shall recommend to County Council such modifications as needed to ensure the system provides for compensation based on merit and fitness and to ensure pay equity in like classifications.

Section 303.05 Appointments

A. Original Appointments

A person who has been selected by an Appointing Authority from an eligibility list that is certified by the Personnel Review Commission to fill a vacancy in the classified service is said to have received an original appointment. Those persons receiving original appointments do not become permanent employees until they have satisfied the applicable probationary period.

B. Temporary Appointments

Temporary appointments shall not exceed one hundred eighty (180) days in duration and shall be filled in the following manner:

1. Eligibility List

If an applicable eligibility list is available, the temporary appointment shall be offered to the candidates on the eligibility list, provided that the acceptance or declination of appointment to such position shall not affect the right of an eligible person to certification for appointment to a permanent position. At the expiration of the temporary appointment, which in no case shall exceed one hundred eighty (180) days, the services of the temporary employee shall be terminated and the candidate shall be restored to the eligibility list in rank order.

2. No Applicable Eligibility List

In the absence of an applicable eligibility list, the Appointing Authority may appoint a qualified person for a temporary period of service, not to exceed one hundred eighty (180) days in duration, when the need of service is urgent and necessary to prevent the loss of public property, serious inconvenience to the public, or damaging delay to the public service. In the event of a subsequent appointment to a permanent position, the temporary appointment shall not be counted as part of a probationary period. Successive temporary appointments to the same position are prohibited. Temporary appointments made necessary by reason of sickness, disability, or other approved leave of absence shall not continue beyond such period of sickness, disability, or other absence.

Section 303.06 Inquiries

In furtherance of the Commission's Charter mandated duty to ensure compliance with federal, state and local employment laws, the Commission may conduct an inquiry when, upon written complaint or on its own motion, it has reason to believe that an individual is abusing the power of appointment, layoff, removal, reduction, suspension, or otherwise violating laws, rules or ordinances

that the Personnel Review Commission is charged with enforcing. The Commission shall determine the procedures for conducting such inquiries and adopt such procedures in its Administrative Rules. The inquiries shall not be quasi-judicial and shall not result in a final order that entitles the applicant to an administrative appeal to the Personnel Review Commission. The Personnel Review Commission shall make a report of its findings to the County Council.

SECTION 4. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the 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 Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

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

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

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0006

Sponsored by: Councilmember Simon	An Ordinance enacting Chapter 714 of the Cuyahoga County Code to establish guidelines for the County Community Development Block Grant Fund Program, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: Councilmember Greenspan	

WHEREAS, Article VII, Section 7.01 of the Cuyahoga County Charter mandates that “the County shall develop and implement policies, programs and activities for the expansion and enhancement of economic activity in the County so as to create and preserve jobs and employment opportunities for and available to residents of the County;” and

WHEREAS, Cuyahoga County, as an Urban County designated by the Department of Housing and Urban Development (“HUD”), receives and administers an annual entitlement from the Community Development Block Grant program through the Cuyahoga County Department of Development; and

WHEREAS, the Department of Development carries out various housing and community development activities with Community Development Block Grant (“CDBG”) funds including but not limited to funding eligible activities carried out by other units of local government through a Municipal Grant Program; and

WHEREAS, Cuyahoga County, as an Urban County, has entered or will enter into cooperation agreements with all participating units of local government within the County pursuant to 24 CFR §570.307 (b)(1); and

WHEREAS, the Department of Development allocates a portion of the CDBG funds annually to eligible activities carried out by members of the Cuyahoga Urban County including but not limited to a Municipal Grant Program, pursuant to the cooperation agreements entered into with units of local government; and

WHEREAS, as part of the process of identifying activities eligible to receive Community Development Block Grant funding, Investment Target Areas are identified by Cuyahoga County with the advice from its municipal partners every ten years, in a manner directed, authorized, and approved by HUD; 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 the County.

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

SECTION 1. Chapter 714 of the Cuyahoga County Code is hereby enacted to read as follows:

CHAPTER 714: County Community Development Block Grant Program

Section 714.01 Program Established

There is hereby created the Cuyahoga County Community Development Block Grant program consistent with all requirements set forth by the Department of Housing and Urban Development (“HUD”) under applicable federal law and regulations, including but not limited to the regulations codified in Title 24 Code of Federal Regulations (CFR) §570.

Section 714.02 Program Administration

The Cuyahoga County Community Development Block Grant (“CDBG”) program shall be administered by the Cuyahoga County Executive through the Cuyahoga County Department of Development.

Section 714.03 Funding Source

The CDBG program shall be funded through entitlement funds allocated to Cuyahoga County each fiscal year by HUD, as determined by the Director of Development, consistent with the cooperation agreements between Cuyahoga County and each Urban County member community.

Section 714.04 Eligibility Requirements

To be eligible to receive CDBG funding for an eligible activity through the Municipal Grant Program, a local community shall meet the following criteria and all other requirements of applicable federal law and regulations including in Title 24 CFR §570:

- (1) The community must be a signatory to the Cuyahoga County Urban County Cooperation Agreement pursuant to 24 CFR §570.503(a); and
- (2) The community must be able to document appropriate activities to affirmatively further fair housing choice; and
- (3) The community must document its compliance with citizen participation requirements as set forth in Cuyahoga County’s Community Development Block Grant Citizen Participation Plan pursuant to 24 CFR §570.302; and

(4) The proposed activity must meet one of the three national objectives that benefit low-and moderate-income persons, aid in the prevention of elimination of slums and blight, or meet other community development needs of an urgent nature that present a serious and immediate threat to the health or welfare of the community. These initiatives include but are not limited to the following HUD eligible activities:

- a. community master plans,
- b. housing and commercial demolition,
- c. infrastructure,
- d. public safety,
- e. streetscapes,
- f. parks and playgrounds, or
- g. community and senior centers.

(5) The community must be in compliance with any existing contract for CDBG funds as determined by the Department of Development.

(6) For eligible activities which serve a defined area within a local community, the defined area must meet HUD's requirements which may include a location in an Improvement Target Area defined by Cuyahoga County, location in an area which meets Improvement Target Area guidelines as documented by the local community, or a location in and service to an area with a certain percentage of households having incomes at or below a certain level according to HUD-approved survey data; and

(7) The Department of Development shall issue written requirements for each year's application format, contents, and required attachments; and

(8) The Department of Development shall establish and notify local communities of each year's application deadline and other requirements regarding the application deadline.

Section 714.05 Evaluation Criteria

The Department of Development shall administer an evaluation process in which all timely submitted and properly completed applications for CDBG funding eligible activities shall be scored using an objective numerical rating system. The Department of Development may invite knowledgeable officials of other County departments and non-Urban County local communities to serve on a rating and ranking committee for this evaluation.

Section 714.06 Other Requirements

The Department of Development shall hold at least one meeting on an annual basis with the eligible communities to review and discuss the guidelines and procedures of the CDBG Program.

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

First Reading/Referred to Committee: February 25, 2014
Committee(s) Assigned: Economic Development & Planning

[CLERK'S NOTE: Reference to Cuyahoga County Code Chapter 712 was corrected to read as Chapter 714: March 7, 2014]

Additional Sponsorship Requested: October 20, 2014

Committee Report/Second Reading: October 28, 2014

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0030

Sponsored by: Councilmember Conwell	An Ordinance enacting the Cuyahoga County Appointment and Confirmation Act, and declaring the necessity that this Ordinance become immediately effective.
Co-sponsored by: Councilmembers Connally, Germana, Brady and Miller	

WHEREAS, Article II, Section 2.03 (2) of the Charter of Cuyahoga County, empowers the County Executive to “appoint, subject to the confirmation by the Council, and remove County directors and officers and members of boards, agencies, commissions and authorities;” and,

WHEREAS, Article II, Section 2.03 (2) of the Charter states that “if the Council shall fail to act on the question of such an appointment by the County Executive within sixty days of the date that the County Executive submits such appointment to the Council for its consideration, that appointment shall be deemed confirmed without further action by the Council;” and

WHEREAS, Article II, Section 2.03 (2) of the Charter states “the County Executive and the Council shall use good faith efforts to reflect the diversity of the people of the County in appointing such officers and members;” and,

WHEREAS, Article XII, Section 12.07 of the Charter states “[a]ll officers and members of boards, agencies, commissions and authorities appointed by the County Executive, the Council or other County elected officials... shall be appointed, employed, promoted, and compensated without regard to their race, color, religion, sex, national origin, sexual orientation, disability, age, or ancestry;” and,

WHEREAS, the Council desires to standardize the confirmation process in order to fully evaluate candidates submitted for appointment, and to ensure the foregoing Charter principles are consistently upheld; and,

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

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

SECTION 1. Chapter 114 of the Cuyahoga County Code is hereby enacted as follows:

CHAPTER 114: Appointment and Confirmation

Section 114.01: Submission of Appointments to County Council

- A. The submission of any candidate to the Council for confirmation shall be accompanied by the following:
1. A letter from the candidate requesting the appointment, if such a letter was submitted to the appointing authority;
 2. A copy of the candidate's current résumé or equivalent summary of academic, professional, and experiential qualifications;
 3. A copy of any and all professional licenses or other credentials held by the candidate that are required to be held by the appointee; and
 4. A letter from the appointing authority providing the following information:
 - i. The title of the board, agency, commission, or authority to which the candidate is being appointed;
 - ii. Any statutory or other qualifications required to hold the appointed position, plus a statement that the candidate meets such qualifications;
 - iii. The specific term of office during which the candidate would serve;
 - iv. An indication of whether the candidate is being considered for a new appointment or for reappointment;
 - v. For a new appointment: the name of the individual who the candidate would replace;
 - vi. For a reappointment: the past attendance record of the candidate, if maintained by the board, agency, commission or authority to which the candidate is being appointed;
 - vii. A cumulative list of individuals who applied for the position;
 - viii. The candidate's city and county of residence;
 - ix. An indication of whether the candidate currently serves on any government, private, or non-profit board or commission;
 - x. An indication of whether any opinion was requested or issued from the Inspector General, the Ohio Ethics Commission, or other authority

regarding potential conflicts of interest related to the candidate's appointment.

- B. In the event that any of the information identified in this Section is not provided to the Council with the submission of an appointment, such omission shall be deemed sufficient grounds for rejection of a candidate's appointment by the Council.

SECTION 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance 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 concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: October 14, 2014
Committee(s) Assigned: Human Resources, Appointments & Equity

Additional Sponsorship Requested on the Floor: October 14, 2014

Committee Report/Second Reading: October 28, 2014

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0023

Sponsored by: Councilmembers Simon and Miller	An Ordinance amending Chapter 202 of the Cuyahoga County Code by adding Section 202.18 to establish a Department of Sustainability and to provide for the powers and duties of the Director of Sustainability.
Co-sponsored by: Councilmembers Connally, Brady, Germana, Conwell and Hairston	

WHEREAS, Section 3.09(2) of the Charter of Cuyahoga County grants Council the power to establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in the Charter, as the Council determines to be necessary for the efficient administration of the County; and,

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

WHEREAS, the Council of Cuyahoga County has determined that the creation of a County Department of Sustainability is necessary for the economic well-being and prosperity of the residents of Cuyahoga County; and,

WHEREAS, the Council of Cuyahoga County has determined that the creation of a County Department of Sustainability furthers the fundamental government purpose of job creation and economic growth, and contributes to the County's long-term regional and global competitiveness; and,

WHEREAS, the Council of Cuyahoga County has determined that the creation of a County Department of Sustainability is necessary for the efficient administration of County Government; and,

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

SECTION 1. The Cuyahoga County Council hereby amends Chapter 202 of the Cuyahoga County Code by adding Section 202.18 to establish a Department of Sustainability and provide for the powers and duties of the Director of Sustainability to read as follows:

Section 202.18: Department of Sustainability

A. The Cuyahoga County Department of Sustainability

1. There is hereby established the Department of Sustainability for Cuyahoga County under the supervision of the County Executive and the Director of Sustainability. The Department shall be its own appointing authority pursuant to the County Charter and County Code.
2. The Department of Sustainability shall have the following functions:
 - a. Promoting environmentally sustainable business practices in the internal operations of the County;
 - b. Collaborating with businesses, non-profit organizations and government agencies to develop programs incorporating environmentally sustainable methods into accepted practice;
 - c. Promoting economic development to support businesses that provide environmentally sustainable goods and services;
 - d. Educating the public about environmentally sustainable practices;
 - e. Advising, when requested, the County Executive and the County Council on policies and programs related to environmental sustainability; and
 - f. Coordinate and collaborate with other directors and departments to achieve operational efficiencies and to eliminate redundancy within County government.

B. The Director of Sustainability

1. There shall be a Director of Sustainability who shall be appointed by the County Executive, subject to confirmation by Council. The Director of Sustainability shall serve at the pleasure of the County Executive and shall lead the Department of Sustainability. The Director of Sustainability shall possess the following qualifications:
 - a. demonstrated knowledge of county, state, and federal environmental regulation;
 - b. experience in the finance and administration of public or private-sector sustainability projects; and
 - c. experience establishing collaborative relationships with business, non-profit and public entities.

2. The Director of Sustainability shall be responsible for fulfilling the duties of the Department of Sustainability and may employ such number of deputies, assistants, and employees as s/he determines to be reasonably necessary to assist him/her in carrying out his/her powers and duties and as is consistent with approved budgetary parameters determined by Council.

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: August 12, 2014
Committee(s) Assigned: Education, Environment & Sustainability

Additional Sponsorship Requested: September 24, 2014

Additional Sponsorship Requested: October 1, 2014

Committee Report/Second Reading: October 14, 2014

Journal CC016
October 28, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0249

Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management	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.
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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. 22A753 –SHP – SA PASS Supportive **BA1400587**
HS754689 – SHP '13 – SA PASS Supportive
Other Expenses \$ 213,884.00

Funding Source: Award renewal from the United States Department of Housing & Urban Development.

B. 22A678 – Shelter + Care '13 - SRA 228 Unit **BA1400588**
HS754713 – Shelter + Care '13 Renewal - SRA
Other Expenses \$ 1,418,232.00

Funding Source: Award renewal from the United States Department of Housing & Urban Development.

C. 01A001 – General Fund **BA1400678**
SU514034 – County Fast Copier Subsidy
Other Expenses \$ 239,650.00

Funding Source: General Fund.

D. 40A069 – Capital Project Future Debt Issuance **BA1400716**
IT768671 – IT Staff Software
Other Expenses \$ 50,000.00

Funding Source: Funding is from the General Fund.

E. 40A099 – Maintenance Project **BA1400775**
CC768689 – County Airport HVAC Replacement
Personal Services \$ 10,617.00
Other Expenses \$ 15,306.00
Capital Outlay \$ 116,786.00

Funding Source: Funding is from the General Fund.

F. 20A606 – Fatherhood Initiative **BA1400718**
SE507152 – Fatherhood Initiative
Other Expenses \$ 2,500.00

Funding Source: The primary funding source for this index is the Health and Human Services Levy Fund.

G. 22A914– CDBG Year 41 2015 **BA1400762**
DV714436 –CDBG Project Plan FY2015
Other Expenses \$ 1,500,000.00

Funding Source: Funding is from the United States Department of Housing and Urban Development.

H.	21A284 – CCA-ISP Apprehension Unit SH350819 – FY15 CCA Apprehension Unit	BA1400766
	Personal Services	\$ 93,500.00

Funding Source: Funding is from the Ohio Department of Rehabilitation and Corrections to the Cuyahoga County Correction Planning Board. No cash match is required

I.	21A453 – Felony Coordinator Project JA754721 – Felony Coordinator 2015	BA1400767
	Personal Services	\$ 188,399.00

Funding Source: Funding is from the Ohio Attorney General, Office of Victims of Crime Act that requires a cash match of \$47,099.75 for a project total of \$188,399.

J.	20D448 – Casino Tax Revenue Fund DV520791 – Casino Tax Revenue Fund	BA1400769
	Other Expenses	\$ 9,250,000.00

Funding Source: Funding is based on a formula from casino revenues, state-wide.

K.	21A081 – SAMHSA Juvenile Delinquency Drug Court JC758334 – FY15 –Cuy. Cty. Juv. Delinquency Drug Cr.	BA1400938
	Personal Services	\$ 34,067.95
	Other Expenses	\$ 175,332.05

Funding Source: A grant award from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Administration, Center for Substance Abuse Treatment. No cash match is required.

L1.	21A359 – Internet Crimes Against Children PR764969 - ICAC Continuation 2011-2012	BA1400944
	Personal Services	\$ 443,977.00
	Other Expenses	\$ 42,490.00
	Capital Outlay	\$ 22,000.00

L2.	21A359 – Internet Crimes Against Children PR765057 - ICAC Continuation 2013-2014	BA1400945
	Personal Services	\$ (358,977.00)
	Other Expenses	\$ (127,490.00)
	Capital Outlay	\$ (22,000.00)

Funding Source: The funds were awarded by the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency.

M1.	01A001 – General Fund JC370056 – Juvenile Court – Detention Home	BA1400566
	Personal Services	\$ 593,858.00

M2.	01A001 – General Fund JC372052 – Juvenile Court – Judges	
	Personal Services	\$ 34,307.00

M3.	01A001 – General Fund JC372060 – Juvenile Court – Legal Personal Services	\$	469,161.00
M4.	01A001 – General Fund JC375055 – Juvenile Court – Child Support Personal Services	\$	251,000.00

Funding Source: Funding comes from the General Fund.

N1.	20A811 – JC Detention & Probation Services JC107516 – JC Probation Services Personal Services	\$	208,574.00	BA1400948
N2.	20A811 – JC Detention & Probation Services JC107532 – JC Legal Services Other Expenses	\$	1,000.00	
N3.	20A811 – JC Detention & Probation Services JC107524 – JC Detention Services Other Expenses	\$	8,663.00	

Funding Source: Funding comes from the Health and Human Services Levy.

O1.	20A811 – JC Detention & Probation Services JC107532 – JC Legal Services Other Expenses	\$	201,937.00	BA1400946
O2.	20A811 – JC Detention & Probation Services JC107524 – JC Detention Services Other Expenses	\$	419,063.00	
O3.	20A823 - JC-HHS-Youth & Family Comm Partnership JC108092 - Youth & Family Comm. Partnership Personal Services Other Expenses	\$	(193,000.00) (428,000.00)	BA1400947

Funding Source: Funding comes from the Health and Human Services Levy, and the requested increase equals the decrease.

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:	24A601 – Senior and Adult Services SA138420 – Home Support Personal Services	BA1400249
	\$	25,000.00

TO: 24A601 – Senior and Adult Services
 SA138420 – Home Support
 Other Expenses \$ 25,000.00

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

B. FROM: 24A601 – Senior and Adult Services **BA1400250**
 SA138701 – Options Program
 Personal Services \$ 8,000.0

TO: 24A601 – Senior and Adult Services
 SA138701 – Options Program
 Other Expenses \$ 8,000.00

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

C. FROM: 24A601 – Senior and Adult Services **BA1400581**
 SA138602 –Home Based Services
 Personal Services \$ 51,000.00

TO: 24A601 – Senior and Adult Services
 SA138602 –Home Based Services
 Personal Services \$ 30,000.00
 Other Expenses \$ 21,000.00

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

D. FROM: 24A601 – Senior and Adult Services **BA1400582**
 SA138479 – Protective Services
 Personal Services \$ 10,100.00

TO: 24A601 – Senior and Adult Services
 SA138354 – Management Services
 Personal Services \$ 5,700.00
 Other Expenses \$ 4,400.00

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

E. FROM: 24A601 – Senior and Adult Services **BA1400583**
 SA138503 – Information and Outreach Unit
 Personal Services \$ 7,500.00

TO: 24A601 – Senior and Adult Services
 SA138503 – Information and Outreach Unit
 Other Expenses \$ 7,500.00

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

F. FROM:	24A601 – Senior and Adult Services		BA1400584
	SA138610 – Care Management Support		
	Personal Services	\$	1,650.00
TO:	24A601 – Senior and Adult Services		
	SA138610 – Care Management Support		
	Other Expenses	\$	1,650.00

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

G. FROM:	24A601 – Senior and Adult Services		BA1400585
	SA138479 – Adult Protective Services		
	Personal Services	\$	3,800.00
TO:	24A601 – Senior and Adult Services		
	SA138479 – Adult Protective Services		
	Other Expenses	\$	3,800.00

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

H. FROM:	01A001 – General Fund		BA1400645
	CN017004 – County Council		
	Other Expenses	\$	6,155.06
TO:	01A001 – General Fund		
	CN017004 – County Council		
	Capital Outlays	\$	6,155.06

Funding Source: Funding is from the General Fund.

I. FROM:	40A069 – Capital Project Future Debt Issue		BA1400717
	CC768168 –Justice Center P-1 Pre-Booking		
	Other Expenses	\$	5,000.00
	Capital Outlay	\$	56,318.17
TO:	40A069 – Capital Project Future Debt Issue		
	CC768168 –Justice Center P-1 Pre-Booking		
	Personal Services	\$	61,318.17

Funding Source: Funding is from the General fund.

J. FROM:	21A500- Urban Area Security Initiative (URSI)		BA1400764
	JA740878 –Urban Area Security Initiative		
	Personal Services	\$	185,624.57
	Capital Outlays	\$	123,959.74

TO: 21A500- Urban Area Security Initiative (URSI)
 JA740878 –Urban Area Security Initiative
 Other Expenses \$ 309,584.31

Funding Source: Funding is from the United States Department of Homeland Security passed through the Ohio Emergency Management Agency covering the period July 1, 2006 through September 30, 2008.

K. FROM: 01A001 – General Fund **BA1400341**
 MI512384 – Information Technology Enterprise System
 Other Expenses \$ 107,000.00

TO: 01A001 – General Fund
 LA000794 – County Law Department
 Other Expenses \$ 107,000.00

Funding Source: The source of funding is General Fund.

L. FROM: 21A182 – TASC Drug Court **BA1400579**
 CO753913 – FY 2014 TASC Drug Court
 Other Expenses \$ 3,437.32

TO: 21A182 – TASC Drug Court
 CO753913 – FY 2014 TASC Drug Court
 Personal Services \$ 3,437.32

Funding Source: A Treatment Alternatives to Street Crime grant from the Ohio Department of Mental Health and Addiction Services (ODMHAS) grant. The funding period is July 1, 2013 through June 30, 2014.

M. FROM: 01A001 – General Fund **BA1400560**
 CO380121 - Common Pleas - Judicial/General
 Other Expenses \$ 197,000.00

TO: 01A001 – General Fund
 CO380121 - Common Pleas - Judicial/General
 Capital Outlay \$ 197,000.00

Funding Source: Funding comes from the General Fund.

N. FROM: 01A001 – General Fund **BA1400564**
 JC372060 – Juvenile Court – Legal
 Other Expenses \$ 157,703.00

TO: 01A001 – General Fund
 JC370056 – Juvenile Court – Detention Home
 Other Expenses \$ 11,703.00

01A001 – General Fund
 JC372052 Juvenile Court – Judges
 Other Expenses \$ 140,000.00

01A001 – General Fund
 JC375055 – Juvenile Court – Child Support
 Other Expenses \$ 6,000.00

Funding Source: Funding comes from the General Fund.

O. FROM: 20A811 – JC Detention & Probation Services **BA1400565**
 JC107524 – JC Detention Services
 Personal Services \$ 235,891.00

20A811 – JC Detention & Probation Services
 JC107516 – JC Detention Services
 Other Expenses \$ 144,981.00

TO: 20A811 – JC Detention & Probation Services
 JC107532 – JC Legal Services
 Personal Services \$ 54,557.00
 Other Expenses \$ 144,981.00

20A811 – JC Detention & Probation Services
 JC107524 – JC Detention Services
 Other Expenses \$ 500.00

20A811 – JC Detention & Probation Services
 JC107516 – JC Detention Services
 Personal Services \$ 180,834.00

Funding Source: Funding is from the Health and Human Services Levy Fund.

P. FROM: 20A192 – TASC HHS **BA1400939**
 CO456533 – TASC HHS
 Other Expenses \$ 24,000.00

TO: 20A192 – TASC HHS
 CO456533 – TASC HHS
 Capital Outlay \$ 24,000.00

Funding Source: Funding comes from the Health and Human Services Levy and grants from the Ohio Mental Health and Addiction Services, the Ohio Office of Criminal Justice Services, and the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County.

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

<u>Fund Nos. /Budget Accounts</u>		<u>Journal Nos.</u>
A. FROM:	29A390 – Health and Human Services Levy 2.9 ND007427– REV HHS LEVY 2.9 GEN PROP Transfer Out \$ 3,842,162.00	JR1401870

TO: 29A389 – Health and Human Services Levy 4.9
 ND007567 – H&HS 4.9 Mil Levy Revenue
 Revenue Transfer \$ 1,425,755.75

TO: 29A391 – Health and Human Services Levy 4.8
 ND514513 – H&HS 4.8 Mil Levy Revenue
 Revenue Transfer \$ 2,416,406.25

Funding Source: Funding is from the Health and Human Services Levy Fund.

B. FROM: 29A391 – Health and Human Services Levy 4.8 **JT1400026**
 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.

C. FROM: 01A001 – General Fund **JT1400048**
 SU514034 – County Fast Copier Subsidy
 Transfer Out \$ 239,650.00

TO: 64A606 – Fast Copier
 CT577551 – Fast Copy
 Revenue Transfer \$ 239,650.00

Funding Source: The source of funding is charges to user agencies for Print Shop and cost-per-copy.

D. FROM: 20A809–Witness Victim **JT1400090**
 JA107425–Witness Victim
 Transfer Out \$ 47,099.75

TO: 21A453 –Felony Coordinator Project
 JA754721 – Felony Coordinator 2015
 Revenue Transfer \$ 47,099.75

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

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

Journal CC016
October 28, 2014



EDWARD FITZGERALD
Cuyahoga County Executive

October 21, 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 October 28, 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
TOTAL	0

General Fund/Health & Human Services	Amount
County Fast Copier Subsidy – Additional appropriation to provide a subsidy transfer to the Fast Copier fund. Funding is from the General Fund subsidy. (Item C.)	\$239,650.00
Capital Project/Information Technology Staff Software – To establish appropriation for the Staff Software. Funding is from the General Fund. (Item D.)	\$50,000.00
Maintenance Project/County Airport HVAC Replacement – Additional appropriation to cover the replacement of an HVAC system at the County Airport. Funding is from the General Fund. (Item E.)	\$142,709.00
Juvenile Court – Additional appropriation to cover projected deficits in personal services. Funding is from the General Fund. (Item M1, M2, M3, and M4.)	\$1,348,326.00
Juvenile Court – Additional appropriation to cover projected deficits in personal services and other expenses. Funding is from the Health and Human Services Levy Fund. (Item N1, N2, and N3.)	\$218,237.00
Juvenile Court – An increase in appropriation to Legal Services (\$201,937.00) and Detention Services (\$419,063.00) with a corresponding decrease from the HHS Youth and Family Community Partnership account to cover projected deficits in personal services and other expenses. Funding is from the Health and Human Services Levy Fund. (Items O1, O2, and O3.)	\$0.00
TOTAL	\$1,998,922.00

Other Operating Funds	Amount
Development/Casino Tax Revenue Fund – Increasing appropriation to process loans to Gateway Huron LLC (\$3 M), Landmark May LLC (\$4 M), Drury Inn Hotel (\$750,000) and the Downtown Alliance (\$1.5M). Funding is Casino Tax Revenue. (Item J.)	\$9,250,000.00
TOTAL	\$9,250,000.00

Grants/Projects	Amount
Homeless Services – To establish appropriation for the FY 2013 Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) renewal grant from the U.S. Department of Housing and Urban Development. (Item A.)	\$213,884.00
Homeless Services – To establish appropriation for the Shelter Plus Care renewal grant from the U.S. Department of Housing and Urban Development. (Item B.)	\$1,418,232.00
Fatherhood Initiative – To appropriate a grant award from the Ohio Commission on Fatherhood. (Item F.)	\$2,500.00
Sheriff’s Department – To establish appropriation for the Community Corrections Act Apprehension Unit per an interagency agreement with the Cuyahoga County Corrections Planning Board. Funding is from the Ohio Department of Rehabilitation and Corrections. (Item H.)	\$93,500.00
Development – To establish appropriation for the Community Development Block Grant for the municipal grant agreements from the U.S. Department of Housing and Urban Development. (Item G.)	\$1,500,000.00
Justice Services/Felony Coordinator Project – To appropriate grant award from the Ohio Attorney General, Office of Victims of Crime Act for the FY2015 Felony Coordinator Project. (Item I.)	\$188,399.00
Juvenile Court – To appropriate the SAMHSA Juvenile Delinquency Drug Court grant from the U.S. Department of Health and Human Services’ Substance Abuse and Mental Health Administration, Center for Substance Abuse Treatment. (Item K.)	\$209,400.00
Prosecutor – An increase in appropriation to the 2011 – 2012 Internet Crimes Against Children (\$508,467) with a corresponding decrease to the 2013 – 2014 Internet Crimes Against Children account to combine the budgets of multiple grant periods. Funding is from the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (Item L1 and L2.)	\$0.00
TOTAL	\$3,625,915.00

Total Additional Appropriations - All Funds	\$14,874,837.00
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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>10/28/14 Agenda</u>	<u>R2013-0229*</u>	<u>Adjusted Annual Appropriation</u>
General Fund Impact	\$ 1,780,685.00	\$ 377,204,012.00	\$ 386,643,015.72
HHS Levy Impact	\$ 220,737.00	\$ 235,311,170.00	\$ 238,025,525.32
Other Fund Impact	\$ <u>12,873,415.00</u>	\$ <u>693,095,162.00</u>	\$ <u>993,044,663.20</u>
Total Impact	\$ 14,874,837.00	\$1,305,610,344.00	\$ 1,617,713,204.24

* 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.

General Fund/Health & Human Services	Amount
Senior and Adult Services – Realigning appropriation to cover projected shortfalls in personal services and other expenses through year-end. Funding is from Federal and State revenues, as well as the Health and Human Services Levy Fund. (Items A, B, C, D, E, F and G.)	\$107,050.00
Council – Realigning appropriation to correct a prior adjustment (R2014-0220) that removed surplus appropriation for equipment that was purchased. (Item H)	\$6,155.06

Information Technology/Enterprise System – Realigning appropriation from the Enterprise System to the County Law Department to cover the Matrix Pointe maintenance and licensing contract. Funding is from the General Fund. (Item K.)	\$107,000.00
Court of Common Pleas – Realigning appropriation within the Judicial/General fund to cover the replacement of aged equipment. Funding is from the General Fund. (Item M.)	\$197,000.00
Juvenile Court – Realigning appropriation from Legal to various General Fund accounts to cover projected deficits. (Item N.)	\$157,703.00
Juvenile Court – Realigning appropriation from Detention Services to various accounts funded by the Health and Human Services Levy Fund to cover projected deficits. (Item O.)	\$380,872.00
Court of Common Pleas/Treatment Alternatives to Street Crimes – Realigning appropriation to cover the replacement of outdated furniture. Funding is from the Health and Human Services Levy Fund as well as grants from the Ohio Mental Health and Addiction Services, Ohio Office of Criminal Justice Services, and Alcohol, Drug Addiction and Mental Health Services Board. (Item P.)	\$24,000.00
TOTAL	\$979,780.06

Grants/Projects	Amount
Capital Project/Justice Center P-1 Pre-Booking – Realigning appropriation to allow final project costs to be allocated. Funding is from the General Fund. (Item I.)	\$61,318.17
Justice Services/Urban Area Security Initiative – Realigning appropriation to provide funding for an operating transfer. Funding is from the Ohio Emergency Management Agency. (Item J.)	\$309,584.31
Court of Common Pleas/Treatment Alternatives to Street Crimes Drug Court – Realigning appropriation to close out grant from the Ohio Department of Mental Health and Addiction Services. (Item L.)	\$3,437.32
TOTAL	\$374,339.80

Total Appropriation Transfers - All Funds	\$1,354,119.86
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Cash Transfer Summary – Operating transfers support operating expenditures, related to a cash matches for a grants, transfer of taxes or fees to a debt service fund, transfers from the General Fund to a capital project fund or operating subsidies to special revenue funds, enterprise funds, or internal service funds. This type of transaction posts as an expenditure and sufficient appropriation must be available to process the transaction.

General Fund/Health & Human Services	Amount
Health and Human Services Levy 2.9 – A cash transfer to close out expired Health and Human Services Levy Funds and transfer remaining cash to current Funds. (Item A.)	\$3,842,162.00
Alcohol, Drug Addiction and Mental Health Services Subsidy – A cash transfer of the 2014 third quarter subsidy payment to the ADAMHS Board. Funding is from the Health and Human Services Levy Fund. (Item B.)	\$9,840,914.00
County Fast Copier Subsidy – A cash transfer to cover indirect cost charges and help balance the fund. Funding is charges to user agencies. (Item C.)	\$239,650.00
Justice Services – A cash transfer from Witness Victim to Felony Coordinator Project to cover a cash match requirement. Funding is from a General Fund Subsidy.(Item D.)	\$47,099.75
TOTAL	\$13,969,825.75

Total Cash Transfers - All Funds	\$13,969,825.75
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Thank you for your consideration regarding this matter.

Sincerely,

W. Christopher Murray II

W. Christopher Murray, II
Interim Director, Office of Budget & Management
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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: October 21, 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 October 28, 2014. The requested fiscal items including additional appropriations, appropriation transfers, and cash transfers meet agency budgetary needs.

Resolution: Additional Appropriations

A.	22A753 –SHP – SA PASS Supportive	BA1400587
	HS754689 – SHP '13 – SA PASS Supportive	
	Other Expenses	\$ 213,884.00

The Office of Homeless Services requests additional appropriation for The Office of Homeless Services recent award renewal from the United States Department of Housing & Urban Development in connection with the Continuum of Care. In support of the Homeless Assistance programs in the amount of \$213,884.00 covering the period August 1, 2014 through September 1, 2015 for the FY 2013 Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) program providing supportive services to over 150 men.

B.	22A678 – Shelter + Care '13 - SRA 228 Unit	BA1400588
	HS754713 – Shelter + Care '13 Renewal - SRA	
	Other Expenses	\$ 1,418,232.00

The Office of Homeless Services requests additional appropriation for The Office of Homeless Services recent award renewal from the United States Department of Housing & Urban Development in connection with the Continuum of Care. In support of the Homeless Assistance programs in the amount of \$1,418,232.00 covering the period July 1, 2014 through June 31, 2016 for the Shelter Plus Care program providing over 150 units rent subsidies for disabled, homeless individuals and families.

C.	01A001 – General Fund	BA1400678
	SU514034 – County Fast Copier Subsidy	
	Other Expenses	\$ 239,650.00

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

Appropriation is requested to provide a subsidy transfer for the Fast Copier fund. The subsidy covers the indirect cost charges from the last few years. The current rates charged to the agencies are not sufficient to fully support the operation, but it has been deemed critical for the Print Shop/Fast Copier division to receive continued funding. The source of funding is charges to user agencies for Print Shop and cost-per-copy services (see related cash transfer item C, on page 8).

D.	40A069 – Capital Project Future Debt Issuance IT768671 – IT Staff Software Other Expenses	\$ 50,000.00	BA1400716
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Request to establish appropriation for the Staff Software as approved in the Information Technology Capital Improvement Plan. The County IT staff is in need of various productivity, operational, development and management software tools. Funding is from the General Fund.

E.	40A099 – Maintenance Project CC768689 – County Airport HVAC Replacement Personal Services Other Expenses Capital Outlay	\$ 10,617.00 \$ 15,306.00 \$ 116,786.00	BA1400775
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Appropriation requested to replace the HVAC system at the County Airport. The scope of work includes the purchase and installation of HVAC unit. Also included is labor and material needed to complete the project. Funding is from the General Fund.

F.	20A606 – Fatherhood Initiative SE507152 – Fatherhood Initiative Other Expenses	\$ 2,500.00	BA1400718
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Request for additional appropriation of \$2,500 based on a grant from the Ohio Commission on Fatherhood. This request will not impact the Health and Human Services Levy Fund. The primary funding source for this index is the Health and Human Services Levy Fund.

G.	22A914– CDBG Year 41 2015 DV714436 –CDBG Project Plan FY2015 Other Expenses	\$ 1,500,000.00	BA1400762
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Establish appropriation in the CDBG FY2015 Project Plan for the municipal grant agreements. Funding is from the United States Department of Housing and Urban Development covering the period October 1, 2014 through September 30, 2015.

H.	21A284 – CCA-ISP Apprehension Unit SH350819 – FY15 CCA Apprehension Unit Personal Services	\$ 93,500.00	BA1400766
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Establish appropriation for the Community Corrections Act Apprehension Unit to account for the interagency agreement between the Cuyahoga County Corrections Planning Board and the Sheriff's Office for the offender apprehension services in connection with the Board's Intensive Special Probation-Felony Division Grant of the Adult Probation Department of Common Pleas Court for the costs of two Sheriff Deputies. Funding is from the Ohio Department of Rehabilitation and Corrections to the Cuyahoga County Correction Planning Board passed through to the County Sheriff covering the period July 1, 2014 through June 30, 2015. No cash match is required

I.	21A453 – Felony Coordinator Project		BA14000767
	JA754721 – Felony Coordinator 2015		
	Personal Services	\$	188,399.00

The Department of Justice Services was awarded a grant for the FY2015 Felony Coordinator Project. Funding is from the Ohio Attorney General, Office of Victims of Crime Act covering the period October 1, 2014 through September 30, 2015 in the amount of \$141,299.25 that requires a cash match of \$47,099.75 for a project total of \$188,399. The cash match is being provided by the Witness Victim unit (see operating transfer JT1400090, fiscal item D, on page 9). The application and acceptance was approved on July 10, 2014, Deputy Chief Approval DC2014-129.

J.	20D448 – Casino Tax Revenue Fund		BA1400769
	DV520791 – Casino Tax Revenue Fund		
	Other Expenses	\$	9,250,000.00

Increase appropriation in the Department of Development Casino Tax Revenue Fund to process loans to Gateway Huron LLC (\$3 million), Landmark May LLC (\$4 million), Drury Inn Hotel (\$750,000), and Downtown Alliance (\$1.5 million). Funding current cash and expected revenues to be received in 2014. Cash in the fund as of October 9, 2014 is \$7,820,543.29 with projected casino revenues for the third quarter 2014 in November 2014 of \$1,837,779 resulting in projected cash available of \$9,658,322 for the entire year. Funding is based on a formula from casino revenues, state-wide.

K.	21A081 – SAMHSA Juvenile Delinquency Drug Court		BA1400938
	JC758334 – FY15 –Cuy. Cty. Juv. Delinquency Drug Cr.		
	Personal Services	\$	34,067.95
	Other Expenses	\$	175,332.05

The Juvenile Court has received a grant award from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Administration, Center for Substance Abuse Treatment for a Juvenile Delinquency Drug Court Enhancement project. The grant will allow the Court to expand the services it provides in Drug Court. The budget period for this grant is September 30, 2014 through September 29, 2015 and the project period is September 30, 2014 through September 29, 2017. No cash match is required.

L1.	21A359 – Internet Crimes Against Children		BA1400944
	PR764969 - ICAC Continuation 2011-2012		
	Personal Services	\$	443,977.00
	Other Expenses	\$	42,490.00
	Capital Outlay	\$	22,000.00

L2.	21A359 – Internet Crimes Against Children		BA1400945
	PR765057 - ICAC Continuation 2013-2014		
	Personal Services	\$	(358,977.00)
	Other Expenses	\$	(127,490.00)
	Capital Outlay	\$	(22,000.00)

The requested increases and decreases in the Internet Crimes Against Children grants in the Prosecutor’s Office budget would combine the budgets of multiple grant periods into one budget account. The requested increases and decreases net to zero. The funds were awarded by the U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention

and cover the periods of July 1, 2012 to June 30, 2014 and July 1, 2013 to June 30, 2014, respectively.

M1.	01A001 – General Fund JC370056 – Juvenile Court – Detention Home Personal Services	\$	593,858.00	BA1400566
M2.	01A001 – General Fund JC372052 – Juvenile Court – Judges Personal Services	\$	34,307.00	
M3.	01A001 – General Fund JC372060 – Juvenile Court – Legal Personal Services	\$	469,161.00	
M4.	01A001 – General Fund JC375055 – Juvenile Court – Child Support Personal Services	\$	251,000.00	

The requested appropriation would alleviate projected payroll deficits in the Juvenile Court budget based on third quarter projections. Funding comes from the General Fund.

N1.	20A811 – JC Detention & Probation Services JC107516 – JC Probation Services Personal Services	\$	208,574.00	BA1400948
N2.	20A811 – JC Detention & Probation Services JC107532 – JC Legal Services Other Expenses	\$	1,000.00	
N3.	20A811 – JC Detention & Probation Services JC107524 – JC Detention Services Other Expenses	\$	8,663.00	

The requested appropriation would alleviate projected payroll deficits in the Juvenile Court budget based on third quarter projections. Funding comes from the Health and Human Services Levy.

O1.	20A811 – JC Detention & Probation Services JC107532 – JC Legal Services Other Expenses	\$	201,937.00	BA1400946
O2.	20A811 – JC Detention & Probation Services JC107524 – JC Detention Services Other Expenses	\$	419,063.00	

O3.	20A823 - JC-HHS-Youth & Family Comm Partnership		BA1400947
	JC108092 - Youth & Family Comm. Partnership		
	Personal Services	\$	(193,000.00)
	Other Expenses	\$	(428,000.00)

The requested appropriation increase (BA1400946) and decrease (BA1400947) would alleviate projected payroll deficits in the Juvenile Court budget based on third quarter projections. Funding comes from the Health and Human Services Levy, and the requested increase equals the decrease.

Resolution: Appropriation Transfers:

A.	FROM:	24A601 – Senior and Adult Services SA138420 – Home Support Personal Services	\$	25,000.00	BA1400249
	TO:	24A601 – Senior and Adult Services SA138420 – Home Support Other Expenses	\$	25,000.00	

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

B.	FROM:	24A601 – Senior and Adult Services SA138701 – Options Program Personal Services	\$	8,000.00	BA1400250
	TO:	24A601 – Senior and Adult Services SA138701 – Options Program Other Expenses	\$	8,000.00	

The Department of Senior and Adult Services has requested appropriation transfers to cover projected shortfalls for the remainder of the year. The funding source is Federal/State as well as the Health and Human Services Levy Fund.

C.	FROM:	24A601 – Senior and Adult Services SA138602 –Home Based Services Personal Services	\$	51,000.00	BA1400581
	TO:	24A601 – Senior and Adult Services SA138602 –Home Based Services Personal Services Other Expenses	\$	30,000.00 21,000.00	

The Department of Senior and Adult Services has requested appropriation transfers to cover projected shortfalls for the remainder of the year. The funding source is Federal/State as well as the Health and Human Services Levy Fund.

D.	FROM:	24A601 – Senior and Adult Services SA138479 – Protective Services Personal Services	\$	10,100.00	BA1400582
	TO:	24A601 – Senior and Adult Services SA138354 – Management Services Personal Services Other Expenses	\$	5,700.00 4,400.00	

The Department of Senior and Adult Services has requested appropriation transfers to cover projected shortfalls for the remainder of the year. The funding source is Federal/State as well as the Health and Human Services Levy Fund.

E.	FROM:	24A601 – Senior and Adult Services		BA1400583
		SA138503 – Information and Outreach Unit		
		Personal Services	\$	7,500.00
	TO:	24A601 – Senior and Adult Services		
		SA138503 – Information and Outreach Unit		
		Other Expenses	\$	7,500.00

The Department of Senior and Adult Services has requested appropriation transfers to cover projected shortfalls for the remainder of the year. The funding source is Federal/State as well as the Health and Human Services Levy Fund.

F.	FROM:	24A601 – Senior and Adult Services		BA1400584
		SA138610 – Care Management Support		
		Personal Services	\$	1,650.00
	TO:	24A601 – Senior and Adult Services		
		SA138610 – Care Management Support		
		Other Expenses	\$	1,650.00

The Department of Senior and Adult Services has requested appropriation transfers to cover projected shortfalls for the remainder of the year. The funding source is Federal/State as well as the Health and Human Services Levy Fund.

G.	FROM:	24A601 – Senior and Adult Services		BA1400585
		SA138479 – Adult Protective Services		
		Personal Services	\$	3,800.00
	TO:	24A601 – Senior and Adult Services		
		SA138479 – Adult Protective Services		
		Other Expenses	\$	3,800.00

The Department of Senior and Adult Services has requested appropriation transfers to cover projected shortfalls for the remainder of the year. The funding source is Federal/State as well as the Health and Human Services Levy Fund.

H.	FROM:	01A001 – General Fund		BA1400645
		CN017004 – County Council		
		Other Expenses	\$	6,155.06
	TO:	01A001 – General Fund		
		CN017004 – County Council		
		Capital Outlays	\$	6,155.06

A transfer is requested to correct an adjustment from Resolution number R2014-0220 that removed surplus appropriation for equipment that was purchased. The earlier item erroneously reduced the budget in capital outlays. This adjustment effectively reduces appropriation in the correct other expenses line and restores appropriation in capital outlays.

I.	FROM:	40A069 – Capital Project Future Debt Issue CC768168 –Justice Center P-1 Pre-Booking Other Expenses	\$	5,000.00	BA1400717
		Capital Outlay	\$	56,318.17	
	TO:	40A069 – Capital Project Future Debt Issue CC768168 –Justice Center P-1 Pre-Booking Personal Services	\$	61,318.17	

Request to realign appropriation within the Justice Center P-1 Pre-Booking project. This realignment will allow for final project costs to be allocated. Funding is from the General fund.

J.	FROM:	21A500- Urban Area Security Initiative (URSI) JA7480878 –Urban Area Security Initiative Personal Services	\$	185,624.57	BA1400764
		Capital Outlays	\$	123,959.74	
	TO:	21A500- Urban Area Security Initiative (URSI) JA7480878 –Urban Area Security Initiative Other Expenses	\$	309,584.31	

Transfer appropriation within the Urban Area Security Initiative grant to provide for an operating transfer to the Incident Management System account for expenditures incurred per the grant agreement and to prepare the grant for closure. Funding is from the United States Department of Homeland Security passed through the Ohio Emergency Management Agency covering the period July 1, 2006 through September 30, 2008.

K.	FROM:	01A001 – General Fund MI512384 – Information Technology Enterprise System Other Expenses	\$	107,000.00	BA1400341
	TO:	01A001 – General Fund LA000794 – County Law Department Other Expenses	\$	107,000.00	

The Department of Information Technology is requesting a budget transfer to the County Law Department for the Matrix Pointe maintenance and licensing contract. This contract was originally budgeted in the Department of Information Technology’s Enterprise System budget but has been identified as a Law Department obligation. The source of funding is General Fund.

L.	FROM:	21A182 – TASC Drug Court CO753913 – FY 2014 TASC Drug Court Other Expenses	\$	3,437.32	BA1400579
	TO:	21A182 – TASC Drug Court CO753913 – FY 2014 TASC Drug Court Personal Services	\$	3,437.32	

The Common Pleas Court received a Treatment Alternatives to Street Crime grant 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. This request would

transfer appropriation within the grant to allow close-out of the grant. The funding period is July 1, 2013 through June 30, 2014.

M.	FROM:	01A001 – General Fund CO380121 - Common Pleas - Judicial/General Other Expenses	\$ 197,000.00	BA1400560
	TO:	01A001 – General Fund CO380121 - Common Pleas - Judicial/General Capital Outlay	\$ 197,000.00	

The Common Pleas Court has a plan to replace its aged equipment and furniture. This request would transfer appropriation within the budget for these purchases. Funding comes from the General Fund.

N.	FROM:	01A001 – General Fund JC372060 – Juvenile Court – Legal Other Expenses	\$ 157,703.00	BA1400564
	TO:	01A001 – General Fund JC370056 – Juvenile Court – Detention Home Other Expenses	\$ 11,703.00	
		01A001 – General Fund JC372052 Juvenile Court – Judges Other Expenses	\$ 140,000.00	
		01A001 – General Fund JC375055 – Juvenile Court – Child Support Other Expenses	\$ 6,000.00	

The requested transfer would realign General Fund appropriation within the Juvenile Court budget to avoid projected deficits.

O.	FROM:	20A811 – JC Detention & Probation Services JC107524 – JC Detention Services Personal Services	\$ 235,891.00	BA1400565
		20A811 – JC Detention & Probation Services JC107516 – JC Detention Services Other Expenses	\$ 144,981.00	
	TO:	20A811 – JC Detention & Probation Services JC107532 – JC Legal Services Personal Services Other Expenses	\$ 54,557.00 \$ 144,981.00	
		20A811 – JC Detention & Probation Services JC107524 – JC Detention Services Other Expenses	\$ 500.00	

20A811 – JC Detention & Probation Services		
JC107516 – JC Detention Services		
Personal Services	\$	180,834.00

The requested transfer would realign Health and Human Services Levy fund appropriation within the Juvenile Court budget to avoid projected deficits.

P.	FROM:	20A192 – TASC HHS	BA1400939
		CO456533 – TASC HHS	
		Other Expenses	\$ 24,000.00
	TO:	20A192 – TASC HHS	
		CO456533 – TASC HHS	
		Capital Outlay	\$ 24,000.00

This appropriation transfer would allow the Common Pleas Court to replace outdated office furniture. Funding comes from the Health and Human Services Levy and grants from the Ohio Mental Health and Addiction Services, the Ohio Office of Criminal Justice Services, and the Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County.

Resolution: Cash Transfers:

A.	FROM:	29A390 – Health and Human Services Levy 2.9 ND007427– REV HHS LEVY 2.9 GEN PROP Transfer Out	\$	3,842,162.00	JR1401870
	TO:	29A389 – Health and Human Services Levy 4.9 ND007567 – H&HS 4.9 Mil Levy Revenue Revenue Transfer	\$	1,425,755.75	
	TO:	29A391 – Health and Human Services Levy 4.8 ND514513 – H&HS 4.8 Mil Levy Revenue Revenue Transfer	\$	2,416,406.25	

This operating transfer is necessary to transfer cash in order to cover deficit in an old fund to be closed and to close out expired HHS levy fund and transfer remaining cash to current Health and Human Services Levy Fund.

B.	FROM:	29A391 – Health and Human Services Levy 4.8 SU514596 - Alcohol Drug Addiction Mental Health 4.8 Transfer Out	\$	4,920,457.00	JT1400026
		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 third quarter subsidy payment to the ADAMHS Board. The source of funding is the Health and Human Services Levy Fund.

C.	FROM:	01A001 – General Fund SU514034 – County Fast Copier Subsidy Transfer Out	\$	239,650.00	JT1400048
	TO:	64A606 – Fast Copier CT577551 – Fast Copy Revenue Transfer	\$	239,650.00	

A cash transfer is requested to cover the indirect cost charges from the last few years and help to balance the fund. The current rates charged to the agencies are not sufficient to fully support the operation, but it has been deemed critical for the Print Shop/Fast Copier division to receive continued funding. The source of funding is charges to user agencies for Print Shop and cost-per-copy services (see related additional appropriation item C, on page 1).

D.	FROM:	20A809–Witness Victim	JT1400090
		JA107425–Witness Victim	
		Transfer Out	\$ 47,099.75
	TO:	21A453 –Felony Coordinator Project	
		JA754721 – Felony Coordinator 2015	
		Revenue Transfer	\$ 47,099.75

Transfer from Witness Victim for a cash match requirement for the Felony Coordinator 2015 grant award (see BA1400767, fiscal item I, on page 2). Funding is from the General Fund covering the period January 1, 2014 through December 31, 2014.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0250

Sponsored by: County Executive FitzGerald/Department of Law on behalf of Cuyahoga County Court of Common Pleas	A Resolution approving a Collective Bargaining Agreement between Cuyahoga County and Fraternal Order of Police/Ohio Labor Council, representing approximately 163 employees in four classifications at the Cuyahoga County Court of Common Pleas for the period 2/1/2014 - 12/31/2016; 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.
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WHEREAS, the Cuyahoga County Department of Law, on behalf of the Court of Common Pleas, has been engaged in collective bargaining negotiations with the Fraternal Order of Police (FOP), Ohio Labor Council in an effort to negotiate a successor collective bargaining agreement (“CBA”) that includes approximately 163 employees from the Cuyahoga County Probation Department, including probation officers, lab technicians and support staff; and,

WHEREAS, pursuant to these negotiations, the parties have reached a Tentative Agreement setting forth a on a single successor collective bargaining agreement; and,

WHEREAS, on or about October 14, 2014, the members of the Fraternal Order of Police (FOP), Ohio Labor Council, Probation Officer unit, met and voted to ratify the proposed Tentative Agreement; 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, the County Executive and the Court of Common Pleas are recommending that Council approve the proposed Collective Bargaining Agreement for the period of 2/1/2014 – 12/31/2016; and,

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

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

SECTION 1. The Cuyahoga County Council hereby approves the Collective Bargaining Agreement between the Cuyahoga County Court of Common Pleas and The Fraternal Order of Police, Ohio Labor Council, Court Probation Officer unit, representing approximately 163 probation officers, lab technicians and support staff for the period of 2/1/2014 – 12/31/2016, and authorizes the County Executive to execute all documents consistent with this Resolution.

SECTION 2. Funds necessary to implement the CBA between the Cuyahoga County Court of Common Pleas and The Fraternal Order of Police, Ohio Labor Council, Court Probation Officer unit, shall be budgeted and appropriated.

SECTION 3. It is necessary that this Resolution become immediately effective in order that critical services provided by the Cuyahoga County Court of Common Pleas Probation Department can continue without interruption, and to provide for the usual, daily operation of the County. Provided that this Resolution receives the affirmative vote of at least eight members of County Council, this Resolution shall become immediately effective upon the signature of the County Executive.

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

Journal CC016
October 28, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0251

Sponsored by: County Executive FitzGerald/Department of Public Works	A Resolution making an award on RQ24534 to East 22 Redevelopment LLC for lease with an option to purchase County-owned property commonly known as the former Juvenile Court Complex, located at 2210 Cedar Road, Cleveland, for the period 1/1/2015 - 12/31/2059; 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.
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WHEREAS, Cuyahoga County engaged the services of Allegro Realty Advisors (“Allegro”) to conduct an audit of the County’s real-estate needs and come forth with a set of recommendations for the County; and

WHEREAS, Allegro recommended that the County place 13 properties then owned by the County for sale, including the former Juvenile Court Complex located at 2210 Cedar Road, Cleveland, Ohio; and

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 proposals, RFP # 24534, (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 East 22 Redevelopment LLC, to lease with an option to purchase the land and all buildings and improvements commonly known as the former Juvenile Court Complex located at 2210 Cedar Road, Cleveland, 44115 (the “Property”) in order to apply for and obtain state and federal historic tax credits for the Property for its intended use as a public college preparatory boarding school; and

WHEREAS, the proposal is to lease the Property from the County for forty-five (45) years at \$1.00 per twelve months for rent (exclusive of maintenance and utilities) for the first twenty-four months of the lease term, then the rent shall increase to One Million Dollars per twelve months if East 22 Redevelopment LLC, has not exercised its purchase option by the end of the twenty-fourth month of the lease term.

WHEREAS, if East 22 Redevelopment LLC exercises its purchase option by the end of the twelfth month of the Lease term, the purchase price for the Property shall be \$350,000.00; if East 22 Redevelopment LLC exercises its option after the expiration of the first twelve months of the lease term, the purchase price shall increase \$10,000.00 on the first day of each following month until the closing on the sale of the Property; and

WHEREAS, the County will provide the labor for such ordinary and necessary maintenance and repairs during the term; and,

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

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

SECTION 1. That the Cuyahoga County Council hereby awards the lease with an option to purchase the former Juvenile Court Complex to East 22 Redevelopment LLC and authorizes the County Executive to enter into a lease agreement with an option to purchase with East 22 Redevelopment LLC 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 Lease Agreement, 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 the Director of Public Works is authorized to administer the project through its milestones and be responsible for any ongoing approval rights under the Lease.

SECTION 4. That all documents to be executed in connection with the transactions contemplated herein be subject to the Law Director's approval as to legal form and correctness.

SECTION 5. It is necessary that this Resolution become immediately effective for the usual daily operation of the County, the preservation of public peace, health, or safety in the County, and any additional reasons set forth in the preamble. Provided that this 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 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

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

Journal _____
_____, 20__



CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED
 (Revised 9/17/2012 - See pg 7)

DEPARTMENT NAME: Public Works **PROPOSAL DUE DATE:** September 14, 2012
RFP TITLE: Sale of Juvenile Court Complex **RFP #:** CT - 12 - 24534 **SBE:** 0%

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	
Agnew Limited Partners, LLC. 8483 Chesapeake Drive Sagamore Hills, Ohio 44067	IG #12-4305 NCA - yes BCF - yes					N
Cleveland Commerce One, LLC. 18901 Euclid Avenue Cleveland, Ohio 44117	IG # NCA - yes BCF - yes					N
Cleveland Managers, LLC. 150 East 58 th Street 17 th Floor New York, New York 10155	IG # NCA - yes BCF - yes					N
East 55 th Cleveland, LLC. 360 East Highland Road Macedonia, Ohio 44056	IG # NCA - yes BCF - yes					N
Erievue Tower & Parking, LLC. 7101 Wisconsin Avenue Bethesda, MD 20814	IG # NCA - yes BCF - yes					N

Department Director Name _____ / _____ Date

Department Director Signature of Approval _____



**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Public Works **PROPOSAL DUE DATE:** September 14, 2012
RFP TITLE: Cuyahoga County Property Consolidation **RFP #:** CT - 12 - 24534 **SBE:** 0%

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER						USER DEPT.
VENDOR NAME & ADDRESS	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N	
Everlasting Baptist Church 579 Eddy Road Cleveland, Ohio 44108	IG #12-4334 NCA - yes BCF - yes						N	
Faith Baptist Church 100 Euclid Square Mall Suite 404 Euclid, Ohio 44123	IG # NCA - yes BCF - yes						N	
Foran Group Development, LLC. 2611 Church Avenue Cleveland, Ohio 44113	IG # NCA - yes BCF - yes						N	
Forest City Commercial Group 50 Public Square Suite 1300 Cleveland, Ohio 44113	IG # NCA - yes BCF - yes (Not initialed)						N	
Graystone Properties 3615 Superior Avenue Cleveland, Ohio 44114	IG #12-0128 NCA - yes BCF - yes						N	

 Department Director Name Department Director Signature of Approval Date



**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Public Works **PROPOSAL DUE DATE:** September 14, 2012
RFP TITLE: Cuyahoga County Property Consolidation **RFP #:** CT - 12 - 24534 **SBE:** 0%

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.	
	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N		COMMENTS & INITIALS
Geis Companies, LLC. 10020 Aurora Hudson Road Streetsboro, Ohio 44241	IG #12-4043 NCA - yes BCF - yes						N
The George Group 18605 Detroit Road Lakewood, Ohio 44107	IG # NCA - yes BCF - yes						N
Herrick Hudson, LLC. 1325 Carnegie Avenue Cleveland, Ohio 44115	IG # NCA - yes BCF - yes						N
Industrial Realty Group, LLC. 360 East Highland Road Macedonia, Ohio 44056	IG # NCA - yes BCF - yes						N
Inland American 2901 Butterfield Road Oak Brook, IL 60523	IG # NCA - yes BCF - yes						N

Department Director Name _____ Date _____
 Department Director Signature of Approval _____ Date _____



**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Public Works **PROPOSAL DUE DATE:** September 14, 2012

RFP TITLE: Cuyahoga County Property Consolidation **RFP #:** CT - 12 - 24534 **SBE:** 0%

TO BE COMPLETED BY OPD VENDOR NAME & ADDRESS	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER						USER DEPT.
	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	
The King Group Realty, Inc. 25550 Chagrin Boulevard Suite 300 Beachwood, Ohio 44122	IG # NCA - yes BCF - yes						N
KM Commerce Ltd. 8001 Krueger Avenue Cleveland, Ohio 44134	IG # NCA - yes BCF - yes						N
Landmark RE Management 2001 Crockier Road Suite 420 Westlake, Ohio 44145	IG #12-4193 NCA - yes BCF - yes						N
Liberty Development Company 28045 Ranney Parkway Suite E Westlake, Ohio 44145	IG #12-4312 NCA - yes BCF - yes					* vendor revised to East 22 Redevelopment LLC for purchase of this property.	Y
Millennia Housing 8111 Rockside Road Suite 200 Valley View, Ohio 44125	IG #12-4313 NCA - yes BCF - yes (incomplete)						N

Department Director Name Department Director Signature of Approval Date



**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Public Works **PROPOSAL DUE DATE:** September 14, 2012

RFP TITLE: Cuyahoga County Property Consolidation **RFP #:** CT - 12 - 24534 **SBE:** 0%

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.	
	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N		COMMENTS & INITIALS
Olmsted Township Board of Trustees 26900 Cook Road Olmsted Township, Ohio 44138	IG #12-3277 NCA - yes BCF - yes						N
Ontario Cleveland, LLC c/o Industrial Realty Group 360 East Highland Road Macedonia, Ohio 44056	IG # NCA - yes BCF - yes						N
Optima Ventures, LLC 200 South Biscayne Boulevard 55 th Floor Miami, FL 33131	IG #12-4338 NCA - yes BCF - yes						N
Optima 925, LLC. 200 South Biscayne Boulevard 55 th Floor Miami, FL 33131	IG #12-4337 NCA - yes BCF - yes						N
Schirmer Construction, LLC. 31350 Industrial Parkway North Olmsted, Ohio 44070	IG # 12-2476 NCA - yes BCF - yes						N

Department Director Name _____ Date _____
Department Director Signature of Approval _____



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TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Public Works **PROPOSAL DUE DATE:** September 14, 2012

RFP TITLE: Cuyahoga County Property Consolidation **RFP #:** CT - 12 - 24534 **SBE:** 0%

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	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N		COMMENTS & INITIALS
Shoreway Logistics, LLC. c/o First Interstate Properties, Ltd. The Offices at Legacy Village 25333 Cedar Road, Suite 300 Lyndhurst, Ohio 44124	IG #12-4282 NCA - yes BCF - yes						N
Superior Fence and Builders 6925 Bessemer Avenue Cleveland, Ohio 44127	IG # NCA - yes BCF - yes (#4 not initialed)						N
Victory Properties, Inc. 812 Huron Road Suite 701 Cleveland, Ohio 44115	IG #12-4317 NCA - no BCF - no						N
Weinreb Management 276 Riverside Drive Suite 2-G New York, New York 10025	IG # NCA - yes BCF - yes						N
Welcome House, Inc. 802 Sharon Drive Suite A Westlake, Ohio 44145	IG # NCA - yes BCF - yes						N

Department Director Name Department Director Signature of Approval Date



CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED
 (Revised 9/17/2012)

DEPARTMENT NAME: Public Works **PROPOSAL DUE DATE:** September 14, 2012

RFP TITLE: Cuyahoga County Property Consolidation **RFP #:** CT - 12 - 24534 **SBE:** 0%

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.	
	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N		COMMENTS & INITIALS
VENDOR NAME & ADDRESS Weston, Inc. 4832 Richmond Road Suite 100 Cleveland, Ohio 44128	IG #12-4318 NCA - yes BCF - yes						N
Superior of Cleveland, LLC 276 Riverside Drive Suite 2G New York, NY 10025	IG #12-4341 NCA BCF						N

NCA - Non-Collusion Affidavit
 BCF - Bidder Compliance Form

Department Director Name _____ / Department Director Signature of Approval _____ Date _____



Final Proposal Evaluation Form

Project Name	Property Consolidation - Initiative III	Committee	Bonita Teeuwen
Site Name	Juvenile Court Complex		Douglas Dillon
Project Type	Real Estate		Stanley Kosilesky
Submission Date	September 14, 2012		Matt Carroll
Selection Meeting Date	November 19, 2012		Larry Benders
Facilitator	Nichole English		Ryan Jeffers - CBRE
			Mary Ann Lasch - URS

EVALUATION CRITERIA	Max Points	Liberty Development							
Section A - Property and Proposing Parties	10	7							0
Section B - Economics	25	1							0
Section C - Terms and Conditions	15	5							0
Section D - Financing Plan	15	10							0
Section E - Intended Use/Redevelopment Plan	20	5							0
Section F - Environmental Stewardship	15	5							0
TOTAL	100	33	0	0	0	0	0	0	0

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0252

<p>Sponsored by: County Executive FitzGerald/Departments of Public Works and Public Safety and Justice Services</p>	<p>A Resolution making an award on RQ31792 to Shook Construction Co. for design-build services for the Emergency Operations Center Project located in the City of Broadview Heights; authorizing the County Executive to negotiate, enter into, and execute an initial contract with Shook Construction Co. in the amount not-to-exceed \$2,148,732.00 for the period 11/12/2014 - 11/12/2016 and to execute all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
--	--

WHEREAS, pursuant to Chapter 504 of the Cuyahoga County Code, the Department of Public Works issued a Request for Qualifications (RFQ31792) and received statements of qualifications from design builders for the Emergency Operations Center project to be located in the City of Broadview Heights, Ohio; and

WHEREAS, the County evaluated the qualifications and proposals of the design builders who responded to the RFQ and RFP and Shook Construction Co. received the highest rankings; and

WHEREAS, due to the complexity of the project and the scope involved, it is not possible to determine with a reasonable amount of certainty the maximum not-to-exceed value of the contract with Shook Construction Co. before completion of additional work on the project; and

WHEREAS, it is necessary to authorize Shook Construction Co. to proceed with the work necessary, including, but not limited to, providing for pre-construction and construction services including preparation of construction documents; abatement and demolition of the site; and

WHEREAS, Council has determined to award an initial contract to Shook Construction Co. for an amount not-to-exceed \$2,148,732.00; and

WHEREAS, the final definitive contract with Shook Construction Co. shall be subject to County Council's approval; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that the time-sensitive project can continue proceeding on schedule and 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 RFQ31792 to Shook Construction Co. for design-build services for the Emergency Operations Center Project located in the City of Broadview Heights and authorizes the County Executive to negotiate, enter into, and execute an initial contract with Shook Construction Co. in the amount not-to-exceed \$2,148,732.00 for the period 11/12/2014 – 11/12/2016. To the extent that any exemptions, if any, are necessary under the County Code and contracting procedures, they shall be deemed approved by the adoption of this Resolution. The final negotiated terms of the contract, including the maximum not to exceed amount and risk management protections, shall be subject to the approval of the Law Director, but in no event shall the maximum amount exceed the herein authorized \$2,821,868.00.

SECTION 2. That the final definitive contract with Shook Construction Co. shall be subject to Council's approval.

SECTION 3. That the County Executive is hereby authorized to execute a contract and all other documents, as approved to legal form and correctness by the Director of Law or his designee, in accordance with this Resolution.

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

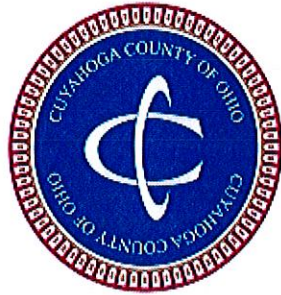
Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 20__



Item Details:

Agency/Dept. Name:	County Engineer	Agency/Dept. Head Name:	Jamal H. Husani
Type of Request:	Agreement/Amendment		
Request Prepared by:	Lori Birschbach-Tober	Telephone No.:	216-443-7650
SUMMARY OF REQUESTED ACTION:			
<p>A. Scope of Work Summary 1. Department of Public Works requesting award and approval of a contract with Shook Construction Co, for the not-to-exceed cost of \$2,148,273.00. The anticipated start completion dates are 11/12/2014 to 11/12/2016. 2. The primary goal of this project is to provide professional design-build services for the construction of a new Emergency Operations Center, located in Broadview Heights, Ohio. 3. N/A</p> <p>B. Procurement 1. The procurement method for this project was a RFQ, then 3 teams were short listed and given an RFP. The total value of the RFQ is \$15,003,450.00. 2. The RFQ was closed on September 11, 2014, with the RFP due on October 10, 2014. There is a 30% SBE on the RFQ. 3. There were 5 proposals submitted for review, 3 proposals were short listed for RFP and an interview, and 1 proposal was approved.</p> <p>C. Consultant and Project Information 1. The address of the contractor is : Shook Construction Company 10245 Brecksville Road Brecksville, Ohio 44141 2. A listing of the board of directors for Shook Construction Company is included as an attachment. 3. a. The address of the Project is municipal campus of the City of Broadview Heights, Ohio at 9543 Broadview Road, Broadview Heights, Ohio b. The project is located in Council District 6.</p> <p>D. Project Status and Planning 1. The project is new to the County. 2. N/A 3. N/A 4. N/A 5. N/A</p> <p>E. Funding 1. The project is funded 100% by General Fund. 2. Schedule of payment will be by monthly invoicing. 3. N/A</p>			
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:**
General Fund 100% General Fund

Total Amount Requested:
\$2,148,273.00

ATTACHMENTS:

Click to download

- [Auditor's Finding of Recovery](#)
- [Dept. Acknowledgement Form](#)
- [Power of Attorney Shook](#)
- [Requisition for Services](#)
- [RFQ](#)
- [RFP](#)
- [RFP, Addendum No.1](#)
- [RFP, Addendum No. 2](#)
- [RFP, Addendum No. 3](#)
- [Secretary of State](#)
- [W-9](#)
- [Workers Comp Certificate](#)
- [Principal Owners](#)
- [Public Notice](#)
- [Primary Owner Form - Debarment](#)
- [Non-Collusion Affidavit](#)
- [COI](#)
- [Statement of Qualifications](#)
- [Proposal](#)
- [Proposal Fee](#)
- [Scores Proposals](#)
- [Tab Sheet \(OPD\)](#)
- [Contract Cover Tab Shook](#)
- [Award Letter](#)

History

Time

Who

Approval





Proposal Evaluation Form

Design-Build Services for the Cuyahoga

County Emergency Operations Center

Project Name

Project Type

Submission Dates

Selection Meeting Date

Interviews

Facilitator

Committee

Members

Bonita Teeuwen

Stan Kosilesky

David Marquard

Ginger Cox

Design-Build

9/11/2014 & 10/10/2014

September 16, 2014

October 15, 2014

Ken Mills

Bruce Whitehead


Lori Birschbach-Tober

EVALUATION CRITERIA	Chris Montgometry					Shook Construction					Mike Schindlin					Wairy Building Company					Tom Heglinboham					Max Points									
	Panfica Construction					Shook Construction					Mike Schindlin					Wairy Building Company					Tom Heglinboham														
Section 1 - Minimum Qualifications																																			
AIA Document A305	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	22	25	20		
Prequalifications Met	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	22	25	20		
SBE Goal Met	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	22	25	20		
Vendor Compliance	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	22	25	20		
Bonding Letter	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	22	25	20		
Section 2 - Firm's Experience																																			
Section 3 - Staff's Experience																																			
Project Manager	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10		
Support Staff	21	22	22	22	22	21	22	22	22	22	21	22	22	22	22	21	22	22	22	22	21	22	22	22	22	21	22	22	22	22	21	22	17		
Section 4 - Project Methodology	13	16	16	16	16	13	16	16	16	16	13	16	16	16	16	13	16	16	16	16	13	16	16	16	16	13	16	16	16	16	13	16	12		
Previous Work	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10		
RFP - Pricing Proposal																																			
Quantitative	10	8	8	8	8	10	8	8	8	8	10	8	8	8	8	10	8	8	8	8	10	8	8	8	8	10	8	8	8	8	10	8	7		
Qualitative	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5		
TOTAL	91	96	96	96	96	91	96	96	96	96	91	96	96	96	96	91	96	96	96	96	91	96	96	96	96	91	96	81							

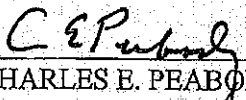
SHOOK CONSTRUCTION CO.
(SUCCESSOR BY MERGER TO SHOOK NATIONAL CORPORATION)
SIXTH AMENDED AND RESTATED
SHAREHOLDER AGREEMENT

("Shareholders")


FRANK J. KLEIN

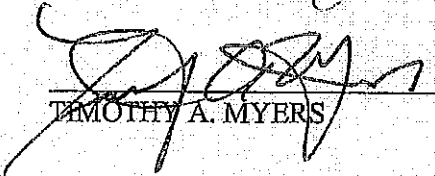

MICHAEL J. SCHMIDLIN

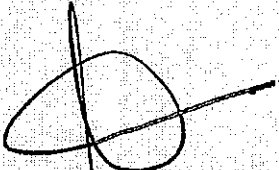

DIANNE M. TRENTMAN

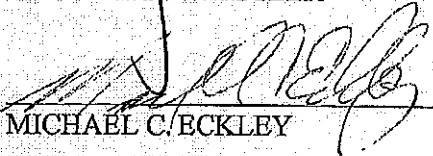

CHARLES E. PEABODY


JON D. POWELSON


BERNARD J. ASHYK, JR.

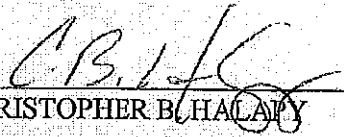

TIMOTHY A. MYERS


WILLIAM R. WHISTLER

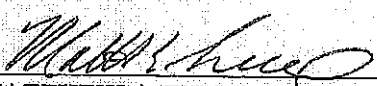

MICHAEL C. ECKLEY


ANDREW B. GOETZ


MARK D. GRASSO


CHRISTOPHER B. HALAMY


RONALD K. MELLON, JR.


MATTHEW A. BENNETT

Date sent to Dept: 7-15-17
 Date Received from Dept: _____
 (OPD Use Only)



CUYAHOGA COUNTY

TABULATION OF QUALIFICATIONS RECEIVED

DEPARTMENT NAME: Public Works QUALIFICATIONS DUE September 11, 2014

RFQ TITLE: Design/Build Services Emergency Operations Ctr. RFQ #: R031792 SBE: 30%

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
VENDOR NAME & ADDRESS	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Mid American Construction LLC 8506 Lake Avenue Suite B Cleveland Ohio 44102	IG #12-0225 Robert P. Madison VC-OK IC-N/A 9-11-14 WIM	A.E. Warner Mid American Const.	Y		N	SBE-1 missing SBE-2 is not signed by Printer SBE - is did not put percentage or dollar amt. AMC 9/15/14 - SBE-1 must be revised TMM 9/12/14	N
Panzica Construction Company 739 Beta Drive Mayfield Village Ohio 44143	IG #12-2147 Barber + Hoffman, Inc VC-OK IC-N/A 9-11-14	Barber + Hoffman, Inc Knight + Stolar, Inc Michael Benza & Associates	N		N	SBE-1 missing SBE-2 Did not submit any documents. They only submitted 2 copies of the SBE's certificates. AMC 9/15/14 - SBE-1 must be revised TMM 9/12/14	N

JAMAL HOSANI, PE
 Department Director Name

Jamal Hosani, PE / 10/20/14
 Department Director Signature of Approval Date

Date sent to Dept: 9-15-14
 Date Received from Dept: _____
 (OPD Use Only)



CUYAHOGA COUNTY
TABULATION OF QUALIFICATIONS RECEIVED

DEPARTMENT NAME: Public Works **QUALIFICATIONS DUE** September 11, 2014
RFQ TITLE: Design/Build Services Emergency Operations Ctr. **RFQ #:** RQ31792 **SBE:** 30%

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
VENDOR NAME & ADDRESS	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Stook Construction 10245 Brecksville Road Brecksville Ohio 44141	IG #12-2521 VC-DK IC-N/A AP 9-11-14	Meknight Assoc. 3% The Osborne Eng. 30%	N	33%	Y	AMT MM 9/15/14 Did not specify SBE percentage.	Y
Turner Construction Company 1422 Euclid Avenue Suite 1400 Cleveland Ohio 44115	IG #12-2834 VC-DK IC-N/A AP 9-11-14	Van Auker Akins Architecte	N		Y	AMT MM 9/15/14 9/12/14	N

JAMAL HUSANI, PE
 Department Director Name
 Department Director Signature of Approval
Jamal Husani, PE
 Date: 10/20/14

Updated 12/8/2011

Date sent to Dept: 4-15-14
 Date Received from Dept: _____
 (OPD Use Only)



CUYAHOGA COUNTY

TABULATION OF QUALIFICATIONS RECEIVED

DEPARTMENT NAME: Public Works **QUALIFICATIONS DUE** September 11, 2014
RFQ TITLE: Design/Build Services Emergency Operations Ctr. **RFQ #:** RQ31792 **SBE:** 30%

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Wetty Building Company Ltd 515 Euclid Avenue Suite 100 Cleveland Ohio 44114	NER VC-OK 9-1-14	DM Tee Inc Engineering 30% N	30%	30%	Y	amb 9/15/14 mm 9/12/14	N

JAMAL HUSAINI, PE
 Department Director Name

Jamal Husaini, PE 10/20/14
 Department Director Signature of Approval Date

optab - Updated 12/8/2011

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0253

<p>Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management</p>	<p>A Resolution authorizing the issuance and sale of Cuyahoga County Sales Tax Revenue Bonds, Series 2014 (Lakefront Pedestrian Bridge), in an aggregate principal amount not-to-exceed \$10,000,000.00 for the purpose of acquiring an interest in, and paying or reimbursing a portion of the cost of constructing and maintaining, a pedestrian/bicycle bridge to be located between the northeast corner of Mall C and the downtown lakefront in the vicinity of the Great Lakes Science Center and Rock and Roll Hall of Fame and Museum and spanning railroad tracks owned by Norfolk Southern, CSX and Amtrak, GCRTA Waterfront Line tracks, City-owned property (Amtrak parking lot), Memorial Shoreway (SR2) including the mainline and access ramps, and Erieside Avenue, and for the purpose of paying capitalized interest on the bonds and paying the costs of issuance in connection therewith; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a trust indenture and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, this Council has determined that it is necessary and in the best interest of the County for the County to issue sales tax revenue bonds for the purpose of acquiring an interest in, and paying or reimbursing a portion of the cost of constructing and maintaining, a pedestrian/bicycle bridge to be located between the northeast corner of Mall C and the downtown lakefront in the vicinity of the Great Lakes Science Center and Rock and Roll Hall of Fame and Museum and spanning railroad tracks owned by

Norfolk Southern, CSX and Amtrak, GCRTA Waterfront Line tracks, City-owned property (Amtrak parking lot), Memorial Shoreway (SR2) including the mainline and access ramps, and Erieside Avenue, and for the purpose of paying capitalized interest on the bonds and paying the costs of issuance in connection therewith; and

WHEREAS, this Council has determined that sales tax revenue bonds shall be issued in the principal amount not to exceed \$10,000,000 for the purpose herein stated and that the County should secure such bonds by a trust indenture, as provided herein; and

WHEREAS, pursuant to a resolution adopted July 6, 1987 (the "1987 County Sales Tax Resolution"), the Board of County Commissioners of the County (the "Board"), as the predecessor legislative authority to this Council, authorized the continuing levy and collection of sales and use taxes, authorized under Sections 5739.021 and 5741.021 of the Ohio Revised Code, at the rate of one percent (1%), and pursuant to a resolution adopted July 26, 2007 (the "2007 County Sales Tax Resolution" and, together with the 1987 County Sales Tax Resolution, the "County Sales Tax Resolutions"), the Board authorized an increase in the sales and use taxes to a rate of one and one-quarter percent (1-1/4%) (the "County Sales Tax"), each for the purpose of providing additional general revenues for the County; and

WHEREAS, this Council has determined to issue sales tax revenue bonds supported by the County Sales Tax for the Project (as defined below) described in Section 1; and

WHEREAS, this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council, and that all the deliberations of this Council, and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code; and

WHEREAS, the Fiscal Officer of this County has certified that the estimated life of the project described in Section 1 hereof is at least five (5) years, and that the estimated maximum maturity of the bonds described in Section 1 is at least twenty (20) years; and

WHEREAS, the Fiscal Officer of this County has further certified to this Council that the maximum aggregate amount of sales tax revenue bonds, including the Bonds, that will be outstanding at any time will not exceed an amount which requires or is estimated by him, as Fiscal Officer, to require payments from sales tax receipts of debt charges on the sales tax revenue bonds, including the Bonds, in any calendar year in an amount exceeding \$232,047,000, which is the average of the amount received by the County for 2012 and 2013; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that the public peace, health or safety of the County be preserved.

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

1. Authorized Principal Amount of Bonds and Purpose. It is necessary to issue sales tax revenue bonds of this County in an aggregate principal amount not to exceed \$10,000,000 (the "Bonds") for the purpose of acquiring an interest in, and paying or reimbursing a portion of the cost of constructing and maintaining, a pedestrian/bicycle bridge to be located between the northeast corner of Mall C and the downtown lakefront in the vicinity of the Great Lakes Science Center and Rock and Roll Hall of Fame and Museum and spanning railroad tracks owned by Norfolk Southern, CSX and Amtrak, GCRTA Waterfront Line tracks, City-owned property (Amtrak parking lot), Memorial Shoreway (SR2) including the mainline and access ramps, and Erieside Avenue (the "Project"), and for the purpose of paying capitalized interest on the Bonds and paying the costs of issuance in connection therewith.

2. Bond Terms. The Bonds shall be issued, unless a supplemental indenture shall have been executed and delivered, pursuant to the Indenture (as hereinafter defined). The Bonds may be issued in one or more series, and shall be numbered in such manner as to distinguish each Bond from any other Bond of the same series. The Bonds shall be issued in denominations of \$5,000 or multiples of \$5,000 in excess thereof, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as determined by the Fiscal Officer, with the true interest cost on the Bonds not to exceed five percent (5%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable on such semiannual dates or annual dates as determined by the Fiscal Officer in the Certificate of Award (as hereinafter defined) until the principal amount is paid, commencing on the initial Interest Payment Date determined by the Fiscal Officer in the Certificate of Award (which initial Interest Payment Date shall not be later than one year from the issuance date of the Bonds), and shall mature on such semiannual dates or annual dates as determined by the Fiscal Officer in the Certificate of Award, provided that the final maturity shall not be later than December 31, 2034, in accordance with Section 133.21 of the Ohio Revised Code and as set forth in the Certificate of Award and the Indenture.

3. Redemption Provisions. The Bonds shall mature serially and annually on such dates and in such principal amounts as are fixed by the Fiscal Officer in the certificate signed in accordance with Section 6 of this Resolution (the "Certificate of Award") and the Indenture, provided that the Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds") payable pursuant to Mandatory Sinking Fund Redemption Requirements as hereinafter defined and further described below and as provided for in the Indenture. The Fiscal Officer, in fixing such year and such amounts, shall be consistent in the aggregate with the separate periodic maturities and principal payments determined in accordance with maximum maturities certified to this Council by the Fiscal Officer for the purpose specified in Section 1 hereof and the requirements of Section 133.21, Ohio Revised Code. The Fiscal Officer shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds and any dates (the "Mandatory Redemption Dates") on which the principal amount stated above shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements rather than at stated maturity (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by or at the option of the County, at par, in whole or in part on any date on the dates, in the years and for the prices specified in the Certificate of Award, provided, however, that the Fiscal Officer may determine in the Certificate of Award that it is in the best interest of the County that the Bonds not be subject to redemption prior to maturity. If the Bonds are subject to redemption, the maximum redemption price shall be no greater than 100% of the principal amount redeemed, plus accrued interest to the redemption date.

4. Execution of Bonds. The Bonds shall be designated "*Cuyahoga County Sales Tax Revenue Bonds, Series 2014 (Lakefront Pedestrian Bridge)*". Pursuant to Section 133.30(B), Ohio Revised Code, the Bonds may be combined with other bonds into a single consolidated issue of bonds for purpose of their sale as a single issue, to be designated "*Cuyahoga County, Ohio, Various Purpose Sales Tax Revenue Bonds, Series 2014.*" The Bonds shall contain a summary statement of the purposes for which they are issued; shall state that they are issued pursuant to this Resolution; shall be executed by the County Executive, in the name of the County and in his official capacity, provided that such signature may be a facsimile; shall be issued only in fully registered form; and shall be registered as to both principal and interest at the corporate trust office of the Trustee. The Bonds shall be issued in the denominations and numbers as requested by the Original Purchaser (as hereinafter defined) and approved by the Fiscal Officer, and shall be numbered as determined by the Fiscal Officer. The principal of the Bonds shall be payable at maturity of the Bonds upon presentation and surrender to the Trustee. Interest on any Bond shall be paid on each Interest Payment Date (the "Interest Payment Date") by check or draft mailed to the person in whose name that Bond is registered (the "Bondholder") on the registration books of the County maintained by the Trustee and at the address appearing thereon at the close of business of the fifteenth (15th) day of the calendar month next preceding the Interest Payment Date (the "Regular Record Date"). Any interest not timely paid (the "Defaulted Interest") shall cease to be payable to the person who is the Holder as of the Regular Record Date and shall be payable to the person who is the Holder at the close of business on a special record date for the payment of such defaulted interest. Such Special Record Date (the "Special Record Date") shall be fixed by the County whenever moneys become available for payment of the Defaulted Interest. The principal and interest on the Bonds is payable in lawful money of the United States of America without deduction for the services of the Trustee.

No Bond shall be valid or become obligatory for any purpose unless and until an authentication certificate appearing on the Bond shall have been duly endorsed by the Trustee.

Any Bond, upon surrender thereof at the principal corporate trust office of the Trustee, together with an assignment duly executed by the Holder or his duly authorized attorney in such form as shall be satisfactory to the Trustee, at the option of the Holder thereof, may be exchanged for Bonds of any authorized denomination or denominations in an aggregate principal amount not exceeding the principal amount of the Bond so exchanged, and bearing interest at the same rate and maturing on the same date.

5. Book-Entry System. The entire principal amount may be represented by a single bond and may be issued as fully registered securities and in book entry or other uncertificated form in accordance with Section 9.96, Chapter 133 of the Ohio Revised Code, and the Indenture if it is determined by the Fiscal Officer that issuance of fully registered securities in that form will facilitate the sale and delivery of the Bonds. The Bonds shall not have coupons attached, shall be numbered as determined by the Fiscal Officer and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution. As used in this Section and this Resolution:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Bonds and the principal of, and interest on, the Bonds may be transferred only through a book entry, and (ii) a single physical Bond certificate is issued by the County and payable only to a Depository or its nominee, with such Bonds “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of beneficial interests in the Bonds and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Bonds or the principal of, and interest on, the Bonds and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Fiscal Officer is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the County.

6. Award and Sale of the Bonds. The Bonds shall be sold to KeyBanc Capital Markets, Inc., Wells Fargo & Company and Loop Capital Markets (collectively, the “Original Purchaser”) at a purchase price and bearing interest at a rate or rates determined by the County Executive or the Fiscal Officer to be in the best interest of the County and as designated by the County Executive or the Fiscal Officer in the Certificate of Award in accordance with law, the provisions of this Resolution, and the

Indenture. The Fiscal Officer shall sign the Certificate of Award referred to in Section 2 evidencing that sale to the Original Purchaser, with the final purchase price, interest rate or rates, aggregate principal amount, and principal amounts payable at stated maturity being set forth in the Certificate of Award and the Indenture, at a purchase price not less than 97% of par plus accrued interest to their date of delivery. The Fiscal Officer shall cause the Bonds to be prepared, and have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Fiscal Officer, the County Executive, the County Director of Law, the Clerk of this Council and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

If, in the judgment of the Fiscal Officer, the filing of an application for a rating on the Bonds by one or more nationally-recognized rating agencies is in the best interest of and financially advantageous to the County, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

7. Application of Bond Proceeds. The proceeds of sale of the Bonds shall be allocated and deposited as provided in the Indenture.

8. Appointment of Bond Trustee. This Council hereby appoints The Huntington National Bank to act as the trustee (such trustee, or a successor trustee pursuant to the applicable provisions of the Indenture, the “Trustee”) for the Bonds. The County Executive is hereby authorized to sign, in the name and on behalf of the County, a Trust Indenture between the County and the Trustee (the “Indenture”) securing the Bonds. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Indenture from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

9. Bonds are Special Obligations and Provisions for Levy and Collection of County Sales Tax. The Bonds are special obligations of the County, and the principal of and interest (and any premium) on the Bonds are payable solely from the Pledged Revenues and the Pledged Funds, together with other available funds of the County, and such payment is secured by a pledge of and a lien on the Pledged Revenues and the Pledged Funds as provided by the Act and this Resolution.

As used herein, the following terms shall be defined as follows:

“*Act*” means Chapter 133, Ohio Revised Code, as enacted and amended from time to time.

“*County Executive*” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Bonds and the Official Statement, County Executive includes the County Executive’s Chief of Staff as the County Executive’s designee pursuant to Executive Order No. 02011-0002 and any other person duly designated by the County Executive.

“*County Sales Tax Bond Fund*” means the County Sales Tax Bond Fund created by the Indenture.

“*County Sales Tax Receipts*” means the monies received by the County from the County Sales Tax.

“*County Sales Tax Revenue Fund*” means the County Sales Tax Revenue Fund created by the Indenture.

“*Fiscal Officer*” means the Fiscal Officer of the County, including an interim or acting Fiscal Officer.

“*Pledged Funds*” means the County Sales Tax Bond Fund and any other funds established under the Indenture and pledged as security for the Bonds.

“*Pledged Revenues*” means, collectively, (a) the County Sales Tax Receipts and (b) all monies in the Pledged Funds and all income and profit from the investment of those monies.

The County has heretofore levied and covenants that it shall continue to collect the County Sales Taxes for so long as the Bonds are outstanding. The County hereby covenants and agrees that, so long as the Bonds are outstanding, it shall not suffer the repeal, amendment or any other change in this Resolution, or the County Sales Tax Resolutions, that in any way materially and adversely affects or impairs (a) the sufficiency of the County Sales Tax Receipts levied and collected or otherwise available for the payment of the Bonds or (b) the pledge or the application of the County Sales Tax Receipts to the payment of the Bonds.

The Bonds do not constitute a general obligation debt, or a pledge of the full faith and credit, of the State, the County, or any other political subdivision of the State, and the holders or owners of the Bonds have no right to have taxes levied by the general assembly or property taxes levied by the taxing authority of any political subdivision of the State, including the taxing authority of the County, for the payment of principal of and interest (and any premium) on the Bonds. Nothing herein shall be construed as requiring the County to use or apply to the payment of principal of and interest (and any premium) on the Bonds any funds or revenues from any source other than County Sales Tax Receipts. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Bonds.

10. Creation of County Sales Tax Revenue Fund and County Sales Tax Bond Fund and Application of County Sales Tax Receipts. The County Sales Tax Revenue

Fund and the County Sales Tax Bond Fund shall be created in the Indenture and shall be maintained by the Fiscal Officer in the custody of the Trustee. The Fiscal Officer is hereby authorized to maintain, or permit the maintenance of, such separate accounts in those Funds, and such separate subaccounts in any account, as is determined to be in the best interest of the County. Any monies on deposit in the County Sales Tax Bond Fund shall be invested to the extent permitted by law.

The County hereby covenants, subject and pursuant to the Constitution and laws of the State of Ohio, to appropriate and pay or cause to be paid from the County Sales Tax Receipts into the County Sales Tax Revenue Fund on the dates and in the amounts specified in the Indenture in order to pay the interest and principal due and payable on all outstanding Bonds on the next Interest Payment Date and Principal Payment Date. The County Executive is hereby authorized and directed to enter into such agreements with the State of Ohio as may be necessary or appropriate to effectuate such direct payment of County Sales Tax Receipts to the Trustee. For that purpose, in each year while the Bonds are outstanding, this Council will appropriate County Sales Tax Receipts required to pay the principal of and interest (and any premium) on the Bonds in that year. Further, this Council will give effect to such appropriations in all resolutions it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of County Sales Tax Receipts in that year to the amount available after deducting the amount required to pay the principal of and interest (and any premium) on the Bonds in that year.

Any portion of the County Sales Tax Receipts not otherwise required to be deposited into the County Sales Tax Bond Fund in accordance with this Section shall be used to meet other obligations of the County to be discharged from the County Sales Tax Receipts at the direction of the County.

11. Federal Tax Considerations. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Bonds will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Executive, the Fiscal Officer or any other officer of the County having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Bonds as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

12. Disclosure Document. The County Executive is hereby authorized to prepare, execute and deliver to the Original Purchaser of the Bonds a preliminary and final Official Statement or any other appropriate disclosure document of the County in connection with the sale and delivery of the Bonds.

13. Continuing Disclosure. The County Executive or the Fiscal Officer is authorized and directed to execute a continuing disclosure agreement (the “Disclosure Agreement”) setting forth the County’s undertaking to provide annual reports and notices of certain events dated the date of delivery of the Bonds and delivered to the Original Purchaser of the Bonds for the benefit of the Bondholders and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Agreement. Failure of the County to comply with the Disclosure Agreement shall not be considered an event of default; however, any Bondholder may take such actions as may be necessary and appropriate to cause the County to comply with its obligations under this Section.

14. Certification and Delivery of Resolution. The Clerk of this Council is directed to deliver or cause to be delivered a certified copy of this Resolution to the Fiscal Officer.

15. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law.

16. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

17. Effective Date. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety of the County; and any additional reasons set forth in the preamble. Provided that this Resolution receive the affirmative vote of at least eight members of the Council, it shall take effect and be in force immediately upon the earliest to occur 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, (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.

18. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council concerning and 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 those formal actions were held, in meetings open to the public in compliance with the law, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0254

<p>Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management</p>	<p>A Resolution authorizing the issuance and sale of sales tax revenue bonds of the County of Cuyahoga, Ohio, in a principal amount not-to-exceed \$35,800,000.00 for the purpose of refunding all or a portion of the County's Sewer District Improvement Bonds, Series 2000, and advance refunding all or a portion of the County's Sewer District Improvement Bonds, Series 2005, and Various Purpose General Obligation (Limited Tax) Bonds, Series 2009A (Tax-Exempt); authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a trust indenture, one or more escrow agreements, and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, this County previously issued its \$1,040,000 Sewer District Improvement Bonds, Series 2000, dated September 1, 2000 (the "Series 2000 Bonds"), issued in anticipation of the collection of special assessments theretofore levied to pay the cost of constructing Cuyahoga County Sewer District No. 5, North Portion, Sanitary Sewer Improvement No. 543A, Sections 3, 4, and 5, and to provide service in Cuyahoga County Sewer District No. 5; and

WHEREAS, this County previously issued its \$4,445,000 Sewer District Improvement Bonds, Series 2005, dated September 1, 2005 (the "Series 2005 Bonds"), issued in anticipation of special assessments theretofore levied to pay the property owners' portion of the cost of constructing (i) Cuyahoga Improvement No. 1459, a water line in Schady Road and Stearns Road, in County Sewer District No. 14 in Olmsted Township and (ii) County Improvement No. 1401, a sanitary sewer in Schady Road, in County Sewer

District No. 14 in Olmsted Township; and

WHEREAS, this County previously issued its \$77,130,000 Various Purpose General Obligation (Limited Tax) Bonds, Series 2009A (Tax-Exempt), dated December 22, 2009 (the "Series 2009A Bonds"; and collectively with the Series 2000 Bonds and the Series 2005 Bonds, (the "Refunded Bonds") issued (i) to retire at maturity outstanding notes issued on December 23, 2008, in anticipation of bonds, issued for the following purposes in the following original amounts; (a) County buildings (\$39,000,000), (b) County jail, correctional and juvenile detention facilities (\$17,400,000); (c) telecommunications network and related equipment (\$6,400,000) and (d) certain improvements and equipping, furnishing and other improvements (\$7,200,000); and (ii) to pay costs of acquiring, constructing, adding to, remodeling, renovating, rehabilitating, furnishing, equipping and otherwise improving buildings, facilities and structures for County offices and functions,; and acquiring, improving and equipping sites for such buildings, facilities and structures (\$60,000,000); (iii) to pay costs of acquiring, constructing, adding to, remodeling, renovating, rehabilitation, furnishing equipping and otherwise improving the County jail, correctional and juvenile detention facilities; (\$40,000,000); (iv) to pay costs of acquiring and installing telecommunications network and related equipment for various County offices and functions (\$5,000,000), and (v) to pay costs of installing certain improvements and equipping, furnishing and other related improvements for various County offices and functions (\$4,000,000); and costs of issuance of the Series 2009A Bonds; and

WHEREAS, this Council has determined that it is necessary and in the best interest of the County, in order to achieve debt service savings, for the County to issue sales tax revenue bonds to refund or advance refund all or a portion of the Refunded Bonds that are currently outstanding and to pay costs of issuance in connection therewith; and

WHEREAS, this Council has determined that sales tax revenue bonds shall be issued in the principal amount not to exceed \$35,800,000 for the purposes herein stated and that the County should secure such bonds by a trust indenture, as provided herein; and

WHEREAS, pursuant to a resolution adopted July 6, 1987 (the "1987 County Sales Tax Resolution"), the Board of County Commissioners of the County (the "Board"), as the predecessor legislative authority to this Council, authorized the continuing levy and collection of sales and use taxes, authorized under Sections 5739.021 and 5741.021 of the Ohio Revised Code, at the rate of one percent (1%), and pursuant to a resolution adopted July 26, 2007 (the "2007 County Sales Tax Resolution" and, together with the 1987 County Sales Tax Resolution, the "County Sales Tax Resolutions"), the Board authorized an increase in the sales and use taxes to a rate of one and one-quarter percent (1-1/4%) (the "County Sales Tax"), each for the purpose of providing additional general revenues for the County; and

WHEREAS, this Council has determined to issue sales tax revenue bonds supported by the County Sales Tax for the purposes described in Section 1; and

WHEREAS, this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council, and that all the deliberations of this Council, and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code; and

WHEREAS, the Fiscal Officer of this County has previously certified to this Council that the estimated life of each of the projects financed with the Refunded Bonds was, at the time of issuance of the original securities issued for the projects, at least five (5) years, and has further certified to this Council that the estimated maximum maturity of the bonds described in Section 1 is at least twenty-five (25) years; and

WHEREAS, the Fiscal Officer of this County has further certified to this Council that the maximum aggregate amount of sales tax revenue bonds, including the Bonds, that will be outstanding at any time will not exceed an amount which requires or is estimated by him, as Fiscal Officer, to require payments from sales tax receipts of debt charges on the sales tax revenue bonds, including the Bonds, in any calendar year in an amount exceeding \$232,047,000, which is the average of the amount received by the County for 2012 and 2013; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that debt service savings for the County be achieved.

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

1. Authorized Principal Amount of Bonds and Purpose. It is necessary to issue sales tax revenue bonds of this County in an aggregate principal amount not to exceed \$35,800,000 (the "Bonds") for the purpose of refunding or advance refunding all or a portion of the Refunded Bonds that are currently outstanding and for the purpose of paying the costs of issuance in connection therewith.

2. Bond Terms. The Bonds shall be issued, unless a supplemental indenture shall have been executed and delivered, pursuant to the Indenture (as hereinafter defined). The Bonds may be issued in one or more series, and shall be numbered in such manner as to distinguish each Bond from any other Bond of the same series. The Bonds shall be issued in denominations of \$5,000 or multiples of \$5,000 in excess thereof, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as determined by the Fiscal Officer, with the true interest cost on the

Bonds not to exceed five percent (5%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable on such semiannual dates or annual dates as determined by the Fiscal Officer in the Certificate of Award (as hereinafter defined) until the principal amount is paid, commencing on the initial Interest Payment Date determined by the Fiscal Officer in the Certificate of Award (which initial Interest Payment Date shall not be later than one year from the issuance date of the Bonds), and shall mature on such semiannual dates or annual dates as determined by the Fiscal Officer in the Certificate of Award, provided that the final maturity shall not be later than December 31, 2039, in accordance with Section 133.21 of the Ohio Revised Code and as set forth in the Certificate of Award and the Indenture.

3. Redemption Provisions. The Bonds shall mature serially and annually on such dates and in such principal amounts as are fixed by the Fiscal Officer in the certificate signed in accordance with Section 6 of this Resolution (the "Certificate of Award") and the Indenture, provided that the Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds") payable pursuant to Mandatory Sinking Fund Redemption Requirements as hereinafter defined and further described below and as provided for in the Indenture. The Fiscal Officer, in fixing such year and such amounts, shall be consistent in the aggregate with the separate periodic maturities and principal payments determined in accordance with maximum maturities certified to this Council by the Fiscal Officer for the purposes specified in Section 1 hereof and the requirements of Section 133.21, Ohio Revised Code. The Fiscal Officer shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds and any dates (the "Mandatory Redemption Dates") on which the principal amount stated above shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements rather than at stated maturity (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by or at the option of the County, at par, in whole or in part on any date on the dates, in the years and for the prices specified in the Certificate of Award, provided, however, that the Fiscal Officer may determine in the Certificate of Award that it is in the best interest of the County that the Bonds not be subject to redemption prior to maturity. If the Bonds are subject to

redemption, the maximum redemption price shall be no greater than 100% of the principal amount redeemed, plus accrued interest to the redemption date.

4. Execution of Bonds. The Bonds shall be designated “*Cuyahoga County, Ohio, Various Purpose Refunding Sales Tax Revenue Bonds, Series 2014.*” Pursuant to Section 133.30(B), Ohio Revised Code, the Bonds may be combined with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue, to be designated “*Cuyahoga County, Ohio, Various Purpose Sales Tax Revenue Bonds, Series 2014.*” The Bonds shall contain a summary statement of the purposes for which they are issued; shall state that they are issued pursuant to this Resolution; shall be executed by the County Executive, in the name of the County and in his official capacity, provided that such signature may be a facsimile; shall be issued only in fully registered form; and shall be registered as to both principal and interest at the corporate trust office of the Trustee. The Bonds shall be issued in the denominations and numbers as requested by the Original Purchaser (as hereinafter defined) and approved by the Fiscal Officer, and shall be numbered as determined by the Fiscal Officer. The principal of the Bonds shall be payable at maturity of the Bonds upon presentation and surrender to the Trustee. Interest on any Bond shall be paid on each Interest Payment Date (the “Interest Payment Date”) by check or draft mailed to the person in whose name that Bond is registered (the “Bondholder”) on the registration books of the County maintained by the Trustee and at the address appearing thereon at the close of business of the fifteenth (15th) day of the calendar month next preceding the Interest Payment Date (the “Regular Record Date”). Any interest not timely paid (the “Defaulted Interest”) shall cease to be payable to the person who is the Holder as of the Regular Record Date and shall be payable to the person who is the Holder at the close of business on a special record date for the payment of such defaulted interest. Such Special Record Date (the “Special Record Date”) shall be fixed by the County whenever moneys become available for payment of the Defaulted Interest. The principal and interest on the Bonds is payable in lawful money of the United States of America without deduction for the services of the Trustee.

No Bond shall be valid or become obligatory for any purpose unless and until an authentication certificate appearing on the Bond shall have been duly endorsed by the Trustee.

Any Bond, upon surrender thereof at the principal corporate trust office of the Trustee, together with an assignment duly executed by the Holder or his duly authorized attorney in such form as shall be satisfactory to the Trustee, at the option of the Holder thereof, may be exchanged for Bonds of any authorized denomination or denominations in an aggregate principal amount not exceeding the principal amount of the Bond so exchanged, and bearing interest at the same rate and maturing on the same date.

5. Book-Entry System. The entire principal amount may be represented by a single bond and may be issued as fully registered securities and in book

entry or other uncertificated form in accordance with Section 9.96, Chapter 133 of the Ohio Revised Code, and the Indenture if it is determined by the Fiscal Officer that issuance of fully registered securities in that form will facilitate the sale and delivery of the Bonds. The Bonds shall not have coupons attached, shall be numbered as determined by the Fiscal Officer and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution. As used in this Section and this Resolution:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Bonds and the principal of, and interest on, the Bonds may be transferred only through a book entry, and (ii) a single physical Bond certificate is issued by the County and payable only to a Depository or its nominee, with such Bonds “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of beneficial interests in the Bonds and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Bonds or the principal of, and interest on, the Bonds and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Fiscal Officer is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the County.

6. Award and Sale of the Bonds. The Bonds shall be sold to KeyBanc Capital Markets, Inc., Wells Fargo & Company and Loop Capital Markets (collectively, the “Original Purchaser”) at a purchase price and bearing interest at a rate or rates determined by the County Executive or the Fiscal Officer to be in the best interest of the County and as designated by the County Executive or the Fiscal Officer in the Certificate of Award in accordance with law, the provisions of this Resolution, and the Indenture. The Fiscal Officer shall sign the Certificate of Award referred to in Section 2 evidencing that sale to the Original Purchaser, with the final purchase price, interest rate or rates, aggregate principal amount, and principal amounts payable at stated maturity being set forth in the Certificate of Award and the Indenture, at a purchase price not less than 97% of par plus accrued interest to their date of delivery. The Fiscal Officer shall cause the Bonds to be prepared, and have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds if

requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Fiscal Officer, the County Executive, the County Director of Law, the Clerk of this Council and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

If, in the judgment of the Fiscal Officer, the filing of an application for a rating on the Bonds by one or more nationally-recognized rating agencies is in the best interest of and financially advantageous to the County, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

7. Application of Bond Proceeds. The proceeds of sale of the Bonds shall be allocated and deposited as provided in the Indenture.

8. Appointment of Bond Trustee. This Council hereby appoints The Huntington National Bank to act as the trustee (such trustee, or a successor trustee pursuant to the applicable provisions of the Indenture, the “Trustee”) for the Bonds. The County Executive is hereby authorized to sign, in the name and on behalf of the County, a Trust Indenture between the County and the Trustee (the “Indenture”) securing the Bonds. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Indenture from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

9. Escrow Fund. If the refunding of any series of the Refunded Bonds is an advance refunding and as required by law, the proceeds from the sale of the Bonds, except the accrued interest thereon, pursuant to Section 133.34, Ohio Revised Code, shall be deposited in a separate fund for each applicable series of the Refunded Bonds, designated the “Escrow Fund” (individually, the “Escrow Fund” and collectively, the “Escrow Funds”) to be held by a bank or trust company selected by the Fiscal Officer (individually, the “Refunded Bonds Escrow Agent” and collectively, the “Refunded Bonds Escrow Agents”) and upon deposit to the Escrow Fund, shall be deemed hereby to be pledged and will be applied solely to the payment of redemption premium, if any, and debt service on the applicable series of the Refunded Bonds as and when due by scheduled maturity or redemption prior thereto, as further provided in an Escrow Agreement to be entered into between the County and the Refunded Bonds Escrow Agent. The County Executive and the Fiscal Officer, or either one of them, are hereby authorized and directed to enter into the Escrow Agreement(s), as well as any other written documents and agreements as are necessary in their

judgment to facilitate the transactions authorized in this Resolution on behalf of the County. The Fiscal Officer is also authorized to retain, on behalf of the County, the services of an independent public accounting firm to perform the verification, required by Section 133.34(D), Ohio Revised Code, of the sufficiency of amounts in the Escrow Fund(s) to cause the Refunded Bonds to be deemed paid and discharged.

10. Bonds are Special Obligations and Provisions for Levy and Collection of County Sales Tax. The Bonds are special obligations of the County, and the principal of and interest (and any premium) on the Bonds are payable solely from the Pledged Revenues and the Pledged Funds, together with other available funds of the County, and such payment is secured by a pledge of and a lien on the Pledged Revenues and the Pledged Funds as provided by the Act and this Resolution.

As used herein, the following terms shall be defined as follows:

“*Act*” means Chapter 133, Ohio Revised Code, as enacted and amended from time to time.

“*County Executive*” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Bonds and the Official Statement, County Executive includes the County Executive’s Chief of Staff as the County Executive’s designee pursuant to Executive Order No. 02011-0002 and any other person duly designated by the County Executive.

“*County Sales Tax Bond Fund*” means the County Sales Tax Bond Fund created by the Indenture.

“*County Sales Tax Receipts*” means the monies received by the County from the County Sales Tax.

“*County Sales Tax Revenue Fund*” means the County Sales Tax Revenue Fund created by the Indenture.

“*Fiscal Officer*” means the Fiscal Officer of the County, including an interim or acting Fiscal Officer.

“*Pledged Funds*” means the County Sales Tax Bond Fund and any other funds established under the Indenture and pledged as security for the Bonds.

“*Pledged Revenues*” means, collectively, (a) the County Sales Tax Receipts and (b) all monies in the Pledged Funds and all income and profit from the investment of those monies.

The County has heretofore levied and covenants that it shall continue to

collect the County Sales Taxes for so long as the Bonds are outstanding. The County hereby covenants and agrees that, so long as the Bonds are outstanding, it shall not suffer the repeal, amendment or any other change in this Resolution, or the County Sales Tax Resolutions, that in any way materially and adversely affects or impairs (a) the sufficiency of the County Sales Tax Receipts levied and collected or otherwise available for the payment of the Bonds or (b) the pledge or the application of the County Sales Tax Receipts to the payment of the Bonds.

The Bonds do not constitute a general obligation debt, or a pledge of the full faith and credit, of the State, the County, or any other political subdivision of the State, and the holders or owners of the Bonds have no right to have taxes levied by the general assembly or property taxes levied by the taxing authority of any political subdivision of the State, including the taxing authority of the County, for the payment of principal of and interest (and any premium) on the Bonds. Nothing herein shall be construed as requiring the County to use or apply to the payment of principal of and interest (and any premium) on the Bonds any funds or revenues from any source other than County Sales Tax Receipts. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Bonds.

11. Creation of County Sales Tax Revenue Fund and County Sales Tax Bond Fund and Application of County Sales Tax Receipts. The County Sales Tax Revenue Fund and the County Sales Tax Bond Fund shall be created in the Indenture and shall be maintained by the Fiscal Officer in the custody of the Trustee. The Fiscal Officer is hereby authorized to maintain, or permit the maintenance of, such separate accounts in those Funds, and such separate subaccounts in any account, as is determined to be in the best interest of the County. Any monies on deposit in the County Sales Tax Bond Fund shall be invested to the extent permitted by law.

The County hereby covenants, subject and pursuant to the Constitution and laws of the State of Ohio, to appropriate and pay or cause to be paid from the County Sales Tax Receipts into the County Sales Tax Revenue Fund on the dates and in the amounts specified in the Indenture in order to pay the interest and principal due and payable on all outstanding Bonds on the next Interest Payment Date and Principal Payment Date. The County Executive is hereby authorized and directed to enter into such agreements with the State of Ohio as may be necessary or appropriate to effectuate direct payment of County Sales Tax Receipts to the Trustee. For that purpose, in each year while the Bonds are outstanding, this Council will appropriate County Sales Tax Receipts required to pay the principal of and interest (and any premium) on the Bonds in that year. Further, this Council will give effect to such appropriations in all resolutions it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of County Sales Tax Receipts in that year to the amount available after deducting the amount required to pay the principal of and interest (and any premium) on the Bonds in that year.

Any portion of the County Sales Tax Receipts not otherwise required to be deposited into the County Sales Tax Bond Fund in accordance with this Section shall be used to meet other obligations of the County to be discharged from the County Sales Tax Receipts at the direction of the County.

12. Federal Tax Considerations. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Bonds will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Executive, the Fiscal Officer or any other officer of the County having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Bonds as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to

the tax treatment of the interest on and the tax status of the Bonds.

13. Disclosure Document. The County Executive is hereby authorized to prepare, execute and deliver to the Original Purchaser of the Bonds a preliminary and final Official Statement or any other appropriate disclosure document of the County in connection with the sale and delivery of the Bonds.

14. Continuing Disclosure. The County Executive or the Fiscal Officer is authorized and directed to execute a continuing disclosure agreement (the “Disclosure Agreement”) setting forth the County’s undertaking to provide annual reports and notices of certain events dated the date of delivery of the Bonds and delivered to the Original Purchaser of the Bonds for the benefit of the Bondholders and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Agreement. Failure of the County to comply with the Disclosure Agreement shall not be considered an event of default; however, any Bondholder may take such actions as may be necessary and appropriate to cause the County to comply with its obligations under this Section.

15. Certification and Delivery of Resolution. The Clerk of this Council is directed to deliver or cause to be delivered a certified copy of this Resolution to the Fiscal Officer.

16. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law.

17. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

18. Effective Date. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety of the County; and any additional reasons set forth in the preamble. Provided that this Resolution receive the affirmative vote of at least eight members of the Council, it shall take effect and be in force immediately upon the earliest to occur 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, (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0255

<p>Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management</p>	<p>A Resolution authorizing the issuance and sale of Cuyahoga County Sales Tax Revenue Bonds, Series 2014 (County Facilities Improvement), in an aggregate principal amount not-to-exceed \$168,000,000.00 for the purposes of paying or reimbursing the costs of constructing, maintaining, expanding, refurbishing, renovating, upgrading, improving, furnishing, and equipping the Cuyahoga County Administrative Headquarters, the Cuyahoga County Corrections Center, the Justice Center, the Cuyahoga County Juvenile Justice Center, the Medical Examiner’s Office, the Office of Emergency Management, the Jane Edna Hunter Building, and certain other related improvements and facilities operated by the County and for the purpose of paying capitalized interest on the bonds and paying the costs of issuance in connection therewith; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a trust indenture and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County of Cuyahoga, Ohio owns and operates the Cuyahoga County Administrative Headquarters, the Cuyahoga County Corrections Center, the Justice Center, the Cuyahoga County Juvenile Justice Center, the Medical Examiner’s Office, the Office of Emergency Management, the Jane Edna Hunter Building, and certain other related improvements and facilities (collectively, the “County Facilities”); and

WHEREAS, this Council has determined that it is necessary and in the best interest of the County for the County to issue sales tax revenue bonds for the purposes of paying or reimbursing the costs of constructing, maintaining, expanding, refurbishing, renovating, upgrading, improving, furnishing, and equipping the County Facilities, as well as for the purpose of paying capitalized interest on the bonds and paying the costs of issuance in connection therewith; and

WHEREAS, this Council has determined that sales tax revenue bonds shall be issued in the principal amount not to exceed \$168,000,000 for the purposes herein stated and that the County should secure such bonds by a trust indenture, as provided herein; and

WHEREAS, pursuant to a resolution adopted July 6, 1987 (the "1987 County Sales Tax Resolution"), the Board of County Commissioners of the County (the "Board"), as the predecessor legislative authority to this Council, authorized the continuing levy and collection of sales and use taxes, authorized under Sections 5739.021 and 5741.021 of the Ohio Revised Code, at the rate of one percent (1%), and pursuant to a resolution adopted July 26, 2007 (the "2007 County Sales Tax Resolution" and, together with the 1987 County Sales Tax Resolution, the "County Sales Tax Resolutions"), the Board authorized an increase in the sales and use taxes to a rate of one and one-quarter percent (1-1/4%) (the "County Sales Tax"), each for the purpose of providing additional general revenues for the County; and

WHEREAS, this Council has determined to issue sales tax revenue bonds supported by the County Sales Tax for the Projects (as defined below) described in Section 1; and

WHEREAS, this Council hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Council, and that all the deliberations of this Council, and of its committees, if any, which resulted in formal actions, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code; and

WHEREAS, the Fiscal Officer of this County has certified that the estimated life of the projects described in Section 1 hereof is at least five (5) years, and that the estimated maximum maturity of the bonds described in Section 1 is at least twenty-six (26) years; and

WHEREAS, the Fiscal Officer of this County has further certified to this Council that the maximum aggregate amount of sales tax revenue bonds, including the Bonds, that will be outstanding at any time will not exceed an amount which requires or is estimated by him, as Fiscal Officer, to require payments from sales tax receipts of debt charges on the sales tax revenue bonds, including the Bonds, in any calendar year in an amount exceeding \$232,047,000, which is the average of the

amount received by the County for 2012 and 2013; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that the usual daily operation of the County be continued and the public peace, health or safety of the County be preserved.

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

1. Authorized Principal Amount of Bonds and Purpose. It is necessary to issue sales tax revenue bonds of this County in an aggregate principal amount not to exceed \$168,000,000 (the “Bonds”) for the purpose of paying or reimbursing the costs of constructing, maintaining, expanding, refurbishing, renovating, upgrading, improving, furnishing, and equipping certain County buildings, facilities, improvements and structures owned and operated by the County for County offices and functions, and improving and equipping sites for such buildings, facilities and structures, in each case together with all necessary appurtenances and work incidental thereto (the “Projects”), and for the purpose of paying capitalized interest on the Bonds and paying the costs of issuance in connection therewith.

2. Bond Terms. The Bonds shall be issued, unless a supplemental indenture shall have been executed and delivered, pursuant to the Indenture (as hereinafter defined). The Bonds may be issued in one or more series, and shall be numbered in such manner as to distinguish each Bond from any other Bond of the same series. The Bonds shall be issued in denominations of \$5,000 or multiples of \$5,000 in excess thereof, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as determined by the Fiscal Officer, with the true interest cost on the Bonds not to exceed five percent (5%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months), payable on such semiannual dates or annual dates as determined by the Fiscal Officer in the Certificate of Award (as hereinafter defined) until the principal amount is paid, commencing on the initial Interest Payment Date determined by the Fiscal Officer in the Certificate of Award (which initial Interest Payment Date shall not be later than one year from the issuance date of the Bonds), and shall mature on such semiannual dates or annual dates as determined by the Fiscal Officer in the Certificate of Award, provided that the final maturity shall not be later than December 31, 2039, in accordance with Section 133.21 of the Ohio Revised Code and as set forth in the Certificate of Award and the Indenture.

3. Redemption Provisions. The Bonds shall mature serially and annually on such dates and in such principal amounts as are fixed by the Fiscal Officer in the certificate signed in accordance with Section 6 of this Resolution (the “Certificate of Award”) and the Indenture, provided that the Bonds stated to mature in any year may be issued as term bonds (the “Term Bonds”) payable pursuant to Mandatory Sinking Fund Redemption Requirements as hereinafter defined and further described below and as provided for in the Indenture. The Fiscal Officer, in fixing

such year and such amounts, shall be consistent in the aggregate with the separate periodic maturities and principal payments determined in accordance with maximum maturities certified to this Council by the Fiscal Officer for the purposes specified in Section 1 hereof and the requirements of Section 133.21, Ohio Revised Code. The Fiscal Officer shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds and any dates (the "Mandatory Redemption Dates") on which the principal amount stated above shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements rather than at stated maturity (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by or at the option of the County, at par, in whole or in part on any date on the dates, in the years and for the prices specified in the Certificate of Award, provided, however, that the Fiscal Officer may determine in the Certificate of Award that it is in the best interest of the County that the Bonds not be subject to redemption prior to maturity. If the Bonds are subject to redemption, the maximum redemption price shall be no greater than 100% of the principal amount redeemed, plus accrued interest to the redemption date.

4. Execution of Bonds. The Bonds shall be designated "*Cuyahoga County Sales Tax Revenue Bonds, Series 2014 (County Facilities Improvement)*". Pursuant to Section 133.30(B), Ohio Revised Code, the Bonds may be combined with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue, to be designated "*Cuyahoga County, Ohio, Various Purpose Sales Tax Revenue Bonds, Series 2014.*" The Bonds shall contain a summary statement of the purposes for which they are issued; shall state that they are issued pursuant to this Resolution; shall be executed by the County Executive, in the name of the County and in his official capacity, provided that such signature may be a facsimile; shall be issued only in fully registered form; and shall be registered as to both principal and interest at the corporate trust office of the Trustee. The Bonds shall be issued in the denominations and numbers as requested by the Original Purchaser (as hereinafter defined) and approved by the Fiscal Officer, and shall be numbered as determined by the Fiscal Officer. The principal of the Bonds shall be payable at maturity of the Bonds upon presentation and surrender to the Trustee. Interest on any Bond shall be paid on each Interest Payment Date (the "Interest Payment Date") by check or draft mailed to the person in whose name that Bond is registered (the "Bondholder") on the registration books of the County maintained by the Trustee and at the address appearing thereon at the close of business of the fifteenth (15th) day of the calendar

month next preceding the Interest Payment Date (the “Regular Record Date”). Any interest not timely paid (the “Defaulted Interest”) shall cease to be payable to the person who is the Holder as of the Regular Record Date and shall be payable to the person who is the Holder at the close of business on a special record date for the payment of such defaulted interest. Such Special Record Date (the “Special Record Date”) shall be fixed by the County whenever moneys become available for payment of the Defaulted Interest. The principal and interest on the Bonds is payable in lawful money of the United States of America without deduction for the services of the Trustee.

No Bond shall be valid or become obligatory for any purpose unless and until an authentication certificate appearing on the Bond shall have been duly endorsed by the Trustee.

Any Bond, upon surrender thereof at the principal corporate trust office of the Trustee, together with an assignment duly executed by the Holder or his duly authorized attorney in such form as shall be satisfactory to the Trustee, at the option of the Holder thereof, may be exchanged for Bonds of any authorized denomination or denominations in an aggregate principal amount not exceeding the principal amount of the Bond so exchanged, and bearing interest at the same rate and maturing on the same date.

5. Book-Entry System. The entire principal amount may be represented by a single bond and may be issued as fully registered securities and in book entry or other uncertificated form in accordance with Section 9.96, Chapter 133 of the Ohio Revised Code, and the Indenture if it is determined by the Fiscal Officer that issuance of fully registered securities in that form will facilitate the sale and delivery of the Bonds. The Bonds shall not have coupons attached, shall be numbered as determined by the Fiscal Officer and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution. As used in this Section and this Resolution:

“Book entry form” or “book entry system” means a form or system under which (i) the ownership of beneficial interests in the Bonds and the principal of, and interest on, the Bonds may be transferred only through a book entry, and (ii) a single physical Bond certificate is issued by the County and payable only to a Depository or its nominee, with such Bonds “immobilized” in the custody of the Depository or its agent for that purpose. The book entry maintained by others than the County is the record that identifies the owners of beneficial interests in the Bonds and that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Bonds or the principal of, and interest on, the Bonds and to effect transfers of the Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited

purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Fiscal Officer is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the County.

6. Award and Sale of the Bonds. The Bonds shall be sold to KeyBanc Capital Markets, Inc., Wells Fargo & Company and Loop Capital Markets (collectively, the “Original Purchaser”) at a purchase price and bearing interest at a rate or rates determined by the County Executive or the Fiscal Officer to be in the best interest of the County and as designated by the County Executive or the Fiscal Officer in the Certificate of Award in accordance with law, the provisions of this Resolution, and the Indenture. The Fiscal Officer shall sign the Certificate of Award referred to in Section 2 evidencing that sale to the Original Purchaser, with the final purchase price, interest rate or rates, aggregate principal amount, and principal amounts payable at stated maturity being set forth in the Certificate of Award and the Indenture, at a purchase price not less than 97% of par plus accrued interest to their date of delivery. The Fiscal Officer shall cause the Bonds to be prepared, and have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Fiscal Officer, the County Executive, the County Director of Law, the Clerk of this Council and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

If, in the judgment of the Fiscal Officer, the filing of an application for a rating on the Bonds by one or more nationally-recognized rating agencies is in the best interest of and financially advantageous to the County, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

7. Application of Bond Proceeds. The proceeds of sale of the Bonds shall be allocated and deposited as provided in the Indenture.

8. Appointment of Bond Trustee. This Council hereby appoints The Huntington National Bank to act as the trustee (such trustee, or a successor trustee

pursuant to the applicable provisions of the Indenture, the “Trustee”) for the Bonds. The County Executive is hereby authorized to sign, in the name and on behalf of the County, a Trust Indenture between the County and the Trustee (the “Indenture”) securing the Bonds. The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Indenture from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

9. Bonds are Special Obligations and Provisions for Levy and Collection of County Sales Tax. The Bonds are special obligations of the County, and the principal of and interest (and any premium) on the Bonds are payable solely from the Pledged Revenues and the Pledged Funds, together with other available funds of the County, and such payment is secured by a pledge of and a lien on the Pledged Revenues and the Pledged Funds as provided by the Act and this Resolution.

As used herein, the following terms shall be defined as follows:

“*Act*” means Chapter 133, Ohio Revised Code, as enacted and amended from time to time.

“*County Executive*” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Bonds and the Official Statement, County Executive includes the County Executive’s Chief of Staff as the County Executive’s designee pursuant to Executive Order No. 02011-0002 and any other person duly designated by the County Executive.

“*County Sales Tax Bond Fund*” means the County Sales Tax Bond Fund created by the Indenture.

“*County Sales Tax Receipts*” means the monies received by the County from the County Sales Tax.

“*County Sales Tax Revenue Fund*” means the County Sales Tax Revenue Fund created by the Indenture.

“*Fiscal Officer*” means the Fiscal Officer of the County, including an interim or acting Fiscal Officer.

“*Pledged Funds*” means the County Sales Tax Bond Fund and any other funds established under the Indenture and pledged as security for the Bonds.

“*Pledged Revenues*” means, collectively, (a) the County Sales Tax Receipts and (b) all monies in the Pledged Funds and all income and profit from the investment of those monies.

The County has heretofore levied and covenants that it shall continue to collect the

County Sales Taxes for so long as the Bonds are outstanding. The County hereby covenants and agrees that, so long as the Bonds are outstanding, it shall not suffer the repeal, amendment or any other change in this Resolution or the County Sales Tax Resolutions that in any way materially and adversely affects or impairs (a) the sufficiency of the County Sales Tax Receipts levied and collected or otherwise available for the payment of the Bonds or (b) the pledge or the application of the County Sales Tax Receipts to the payment of the Bonds.

The Bonds do not constitute a general obligation debt, or a pledge of the full faith and credit, of the State, the County, or any other political subdivision of the State, and the holders or owners of the Bonds have no right to have taxes levied by the general assembly or property taxes levied by the taxing authority of any political subdivision of the State, including the taxing authority of the County, for the payment of principal of and interest (and any premium) on the Bonds. Nothing herein shall be construed as requiring the County to use or apply to the payment of principal of and interest (and any premium) on the Bonds any funds or revenues from any source other than County Sales Tax Receipts. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Bonds.

10. Creation of County Sales Tax Revenue Fund and County Sales Tax Bond Fund and Application of County Sales Tax Receipts. The County Sales Tax Revenue Fund and the County Sales Tax Bond Fund shall be created in the Indenture and shall be maintained by the Fiscal Officer in the custody of the Trustee. The Fiscal Officer is hereby authorized to maintain, or permit the maintenance of, such separate accounts in those Funds, and such separate subaccounts in any account, as is determined to be in the best interest of the County. Any monies on deposit in the County Sales Tax Bond Fund shall be invested to the extent permitted by law.

The County hereby covenants, subject and pursuant to the Constitution and laws of the State of Ohio, to appropriate and pay or cause to be paid from the County Sales Tax Receipts into the County Sales Tax Revenue Fund on the dates and in the amounts specified in the Indenture in order to pay the interest and principal due and payable on all outstanding Bonds on the next Interest Payment Date and Principal Payment Date. The County Executive is hereby authorized and directed to enter into such agreements with the State of Ohio as may be necessary or appropriate to effectuate direct payment of County Sales Tax Receipts to the Trustee. For that purpose, in each year while the Bonds are outstanding, this Council will appropriate County Sales Tax Receipts required to pay the principal of and interest (and any premium) on the Bonds in that year. Further, this Council will give effect to such appropriations in all resolutions it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of County Sales Tax Receipts in that year to the amount available after deducting the amount required to pay the principal of and interest (and any premium) on the Bonds in that year.

Any portion of the County Sales Tax Receipts not otherwise required to be deposited into the County Sales Tax Bond Fund in accordance with this Section shall be used to meet other obligations of the County to be discharged from the County Sales Tax Receipts at the direction of the County.

11. Federal Tax Considerations. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the “Code”) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Bonds will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Executive, the Fiscal Officer or any other officer of the County having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Bonds as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

12. Disclosure Document. The County Executive is hereby authorized to prepare, execute and deliver to the Original Purchaser of the Bonds a preliminary and final Official Statement or any other appropriate disclosure document of the County in connection with the sale and delivery of the Bonds.

13. Continuing Disclosure. The County Executive or the Fiscal Officer is authorized and directed to execute a continuing disclosure agreement (the “Disclosure Agreement”) setting forth the County’s undertaking to provide annual reports and notices of certain events dated the date of delivery of the Bonds and delivered to the Original Purchaser of the Bonds for the benefit of the Bondholders and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5). The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Agreement. Failure of the County to comply with the Disclosure Agreement shall not be considered an event of default; however, any Bondholder may take such actions as may be necessary and appropriate to cause the County to comply with its obligations under this Section.

14. Certification and Delivery of Resolution. The Clerk of this Council is directed to deliver or cause to be delivered a certified copy of this Resolution to the Fiscal Officer.

15. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the County have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law.

16. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Resolution unless otherwise indicated.

17. Effective Date. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety of the County; and any additional reasons set forth in the preamble. Provided that this Resolution receive the affirmative vote of at least eight members of the Council, it shall take effect and be in force immediately upon the earliest to occur 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, (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.

18. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council concerning and 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 those formal actions were held, in meetings open to the public in compliance with the law, including Section 121.22 of the Ohio Revised Code.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0256

<p>Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management</p>	<p>A Resolution authorizing the issuance and sale of County of Cuyahoga, Ohio Tax-Exempt Economic Development Refunding Revenue Bonds, Series 2014C (Medical Mart/Convention Center Project) in an aggregate principal amount not-to-exceed \$21,000,000.00 for the purpose of providing moneys to pay costs of a “Project” within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County of Cuyahoga, Ohio (the “County”), a county and political subdivision of the State of Ohio (the “State”), is authorized and empowered, by virtue of the laws of the State of Ohio, including, without limitation, Article VIII, Section 13 of the Ohio Constitution and Ohio Revised Code Chapter 165 (the “Act”), among other things, to issue its revenue bonds for the purpose of financing a “project” as defined in the Act, that creates or preserves jobs and employment opportunities and improves the economic welfare of the people of the County and of the State and to refund revenue bonds issued for such purpose; and

WHEREAS, the County has previously issued its Recovery Zone Economic Development Revenue Bonds, Series 2010E (Medical Mart/Convention Center Project) (Federally Taxable -- Build America Bonds -- Direct Payment) (the “Refunded Bonds”) in the original principal amount of \$21,000,000 in order to create and preserve jobs and employment opportunities and improve the economic welfare of the people of the County and the State, by providing a portion of the funding for the County’s Medical Mart/Convention Center, including the acquisition, construction, improving and equipping of a medical mart and convention and exhibition center (the “Project”), fund a reserve account (if determined to be

necessary) and pay certain costs of issuance in connection with such Refunded Bonds; and

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

WHEREAS, this Council has determined that it is necessary and in the best interest of the County, in order to achieve debt service savings, for the County to issue its economic development refunding revenue bonds to refund all or a portion of the Refunded Bonds that are currently outstanding and to pay costs of issuance in connection therewith; and

WHEREAS, this Council has determined that economic development refunding revenue bonds shall be issued in the principal amount not to exceed \$21,000,000 for the purposes herein stated;

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

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

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

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

“*Bond Counsel*” means Calfee, Halter & Griswold LLP.

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

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

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

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

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

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

“*Bond Service Fund*” means the Medical Mart/Convention Center Bond Service Fund, and the Bond Service Account and the Bond Reserve Account therein, authorized and established by this Resolution and any additional accounts created therein.

“*Bonds*” means the Tax-Exempt Economic Development Refunding Revenue Bonds, Series 2014C (Medical Mart/Convention Center Project) authorized by this Resolution.

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

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

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

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

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

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

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

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Series 2014C Bonds.

“*Code*” means the Internal Revenue Code of 1986, the regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

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

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

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

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

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

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

“*County*” means the County of Cuyahoga, Ohio.

“*County Executive*” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Bonds and the Official Statement, County Executive includes the County Executive’s Chief of Staff as the County Executive’s designee pursuant to Executive Order No. 02011-0002 and any other person duly designated by the County Executive.

“*Coverage Computation Period*” means the three most recent calendar years preceding the date of the certification required by Section 9(b).

“*Coverage Ratio*” means 150%.

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Director of Law*” means the Director of Law of the County and his or her duly authorized designee.

“*Fiduciary Fund*” means the 2014 Medical Mart/Convention Center Fiduciary Fund authorized and established by this Resolution.

“*Final Terms Certificate*” means the Final Terms Certificate authorized by this Resolution to be signed by the Fiscal Officer.

“*Fiscal Officer*” means the Fiscal Officer of the County, including an interim or acting Fiscal Officer.

“*Flats Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2014 A (Flats East Development LLC Project), all issued pursuant to the Flats Indenture.

“*Flats Indenture*” means the Trust Indenture dated as of April 1, 2014 between the County and the Flats.

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

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

“*Funds*” means, collectively, the Treasurer Account and the Bond Service Fund.

“*Gateway Bonds*” means, collectively, the County’s Taxable Economic Development Revenue Bonds, Series 1992A (Gateway Arena Project), Taxable Economic Development Revenue Refunding Bonds, Series 2004A (Gateway Arena Project) and Taxable Economic Development Revenue Refunding Bonds, Series 2010C (Gateway Arena Project), all issued pursuant to the Gateway Indenture.

“*Gateway Indenture*” means the Master Indenture dated as of September 15, 1992, as amended and supplemented by the First Supplemental Trust Indenture dated as of September 15, 1992, the Second Supplemental Trust Indenture dated as of September 15, 1992, the Third Supplemental Trust Indenture dated as of February 1, 1994, the Fourth Supplemental Trust Indenture dated as of February 1, 2004 and the Fifth Supplemental Trust Indenture dated as of September 1, 2010, each between the County and the Gateway Trustee.

“*Gateway Revenues*” means the Revenues as defined in the Gateway Indenture.

“*Gateway Trustee*” means The Bank of New York Mellon Trust Company, N.A., as trustee under the Gateway Indenture, and its successors and assigns.

“*Interest Payment Dates*” means June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2015 unless otherwise determined by the Fiscal Officer in the Final Terms Certificate.

“*Mandatory Redemption*” means the obligation to redeem Term Bonds as provided in Section 4(e)(i) and the Final Terms Certificate.

“*Medical Mart/Convention Center Bonds*” means, collectively, the County’s Recovery Zone Facility Economic Development Revenue Bonds, Series 2010F (Medical Mart/Convention Center Project) and Taxable Economic Development Revenue Bonds, Series 2010G (Medical Mart/Convention Center Project), each issued pursuant to the Medical Mart/Convention Center Indenture. As used herein “Medical Mart/Convention Center Bonds” does not include the Bonds.

“*Medical Mart/Convention Center Indenture*” means the Trust Indenture dated as of December 1, 2010 between the County and the Medical Mart/Convention Center Trustee.

“*Medical Mart/Convention Center Revenues*” means the Project Revenues as defined in the Medical Mart/Convention Center Indenture.

“*Medical Mart/Convention Center Trustee*” means U.S. Bank National Association as trustee under the Medical Mart/Convention Center Indenture, and its successors and assigns.

“*Nontax Revenues*” means all moneys of the County that are not raised by taxation, to the extent available for payment of Bond Service Charges on the Bonds, including, but not limited to the following: (a) charges for services and payments received in reimbursement for services; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures; (d) fees from properly imposed licenses and permits; (e) investment earnings on any funds of the County that are credited to the County’s General Fund; (f) proceeds from the sale of assets; (g) rental income; (h) grants from the United States of America and the State; (i) gifts and donations; and (j) Project Revenues; provided that Nontax Revenues do not include the Brownfield Revenues, the Commercial Redevelopment Revenues, the Gateway Revenues, the Medical Mart/Convention Center Revenues, the Westin Revenues, the Steelyard Revenues or the Flats Revenues.

“*Official Statement*” means, as appropriate, the preliminary official statement or the final official statement authorized by this Resolution.

“*Original Purchaser*” means KeyBanc Capital Markets, Inc., Wells Fargo & Company and Loop Capital Markets.

“*Parity Obligations*” means, collectively, the Brownfield Bonds, the Commercial Redevelopment Bonds, the Gateway Bonds, the Medical Mart/Convention Center Bonds, the Steelyard Bonds, the Westin Bonds, the Flats Bonds and any bonds, notes or other obligations of or guaranties by the County secured by a pledge of the Nontax Revenues on a parity with or prior to the Bonds.

“*Participant*” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

“*Principal Payment Dates*” means the Principal Payment Dates determined by the Fiscal Officer in the Final Terms Certificate.

“*Payment Dates*” means the Interest Payment Dates and the Principal Payment Dates.

“*Project Purposes*” means the refunding of the Refunded Bonds issued for the purpose of acquiring, constructing, improving and equipping the Project.

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

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

“*Rule*” means Rule 15c2-12 promulgated by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds, if any, designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

“*State*” means the State of Ohio.

“*Steelyard Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2013A (Steelyard Commons Project), all issued pursuant to the Steelyard Resolution.

“*Steelyard Resolution*” means Resolution No. 2013-199 adopted by the Council on September 24, 2013.

“*Steelyard Revenues*” means the Project Revenues as defined in the Steelyard Resolution.

“*Term Bonds*” means those Bonds designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

“*Treasurer Account*” means the 2014 Medical Mart/Convention Center Treasurer Account authorized and established by this Resolution.

“*Westin Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2013B (Westin Cleveland Hotel Project), all issued pursuant to the Westin Resolution.

“*Westin Resolution*” means Resolution No. R2013-0224 adopted by the Council on December 10, 2013.

“*Westin Revenues*” means the Project Revenues as defined in the Westin Resolution.

SECTION 2. DETERMINATIONS BY COUNCIL. This Council finds and determines that (i) based on the certification of the CIC, the Project is a “project” as defined in the Act and is consistent with the purposes of Article VIII, Section 13 of the Ohio Constitution and (ii) will benefit the people of the County and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the County and the State.

SECTION 3. AUTHORIZED PRINCIPAL AMOUNT AND PURPOSE; APPLICATION OF PROCEEDS. It is necessary and determined to be in the County’s best interest to issue the Bonds in an aggregate principal amount not to exceed \$21,000,000 to pay costs of refunding the Refunded Bonds issued to pay for the acquisition, construction, furnishing and equipping of the Project, fund a reserve account, if determined to be necessary, and pay costs of the issuance of the Bonds. The aggregate principal amount of the Bonds to be issued to provide sufficient funds for those purposes (not to exceed \$21,000,000) shall be determined by the Fiscal Officer in the Final Terms Certificate. The Bonds shall be issued pursuant to this Resolution, the Final Terms Certificate, Article VIII, Section 13 of the Ohio Constitution and the Act. The proceeds from the sale of the Bonds received by the County shall be deposited into the Treasurer Account and shall be used for the Project Purposes. The proceeds of the sale of the Bonds are appropriated for such purposes.

SECTION 4. DENOMINATIONS; DATING; PRINCIPAL AND INTEREST PAYMENT AND REDEMPTION PROVISIONS. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as of the Closing Date.

(a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates (computed on a twelve 30-day months/360-day year basis), as shall be determined by the Fiscal Officer in the Final Terms Certificate, subject to subsection

(c) of this Section. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for in full. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature on the Principal Payment Dates determined by the Fiscal Officer in the Final Terms Certificate.

Consistent with the foregoing and in accordance with his determination of the best interest of and financial advantages to the County, the Fiscal Officer shall specify in the Final Terms Certificate (i) the aggregate principal amount of Bonds, to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Serial Bonds, if any, shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of the Bonds, to be issued as Term Bonds, if any, the Principal Payment Date or Dates on which those Term Bonds shall be stated to mature and the dates and amounts of Mandatory Redemption applicable to those Term Bonds.

(c) Condition for Establishment of Interest Rates. The net interest rate for the Bonds determined by taking into account the Principal Payment Dates and the principal amounts due on the Bonds (at stated maturity or by Mandatory Redemption) shall not exceed 5% per year.

(d) Payment of Bond Service Charges. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer or the County Executive, in the name and on behalf of the County, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) *Mandatory Redemption.* If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to and redeemed pursuant to mandatory redemption on the Principal Payment Dates set forth in the Final Terms Certificate at a price equal to 100% of the principal amount of the Term Bonds to be redeemed.

The County shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Redemption for the Term Bonds so delivered. That option shall be exercised by the County on or before the 15th day preceding any Mandatory Redemption with respect to which the County wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the current or any subsequent Mandatory Redemption for the Term Bonds. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Redemption shall not be reduced. A credit against the then current or any subsequent Mandatory Redemption also shall be received by the County for any Term Bonds which prior thereto have been redeemed (other than by Mandatory Redemption) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Redemption for the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Redemption for the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) *Optional Redemption.* Certain maturities of Bonds may be subject to redemption by and at the sole option of the County, in whole or in part, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, all to be determined by the Fiscal Officer in the Final Terms Certificate.

Certain maturities of the Bonds may be subject to redemption by and at the sole option of the County, in whole or in part, on the dates, in the years and at a redemption price that will make the owner of such Bonds whole for the early redemption, all to be determined by the Fiscal Officer in the Final Terms Certificate.

If optional redemption of Term Bonds is to take place as of the date of any Mandatory Redemption applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed by operation of the Mandatory Redemption on that date. The Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council by adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

There shall be deposited with the Bond Registrar on or prior to the redemption date, money that, in addition to any other money available therefore and held by the Bond Registrar, will be sufficient to redeem the Bonds for which notice of redemption has been given.

(iii) *Partial Redemption.* If fewer than all of the Bonds are called for optional redemption at one time, they shall be called as selected by, and in a manner determined by the County. If fewer than all Bonds of a single maturity are to be redeemed, the selection of the Bonds to be redeemed, or portions thereof in Authorized Denominations, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of partial redemption of Bonds by lot when Bonds in denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of a redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including accrued interest to the redemption date), and (ii) issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination in an aggregate principal amount equal to the unmatured and unredeemed portion, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) *Notice of Redemption.* The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the County by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) *Payment of Redeemed Bonds.* Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefore on that date and, if notice of redemption has been deposited in the mail

as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

SECTION 5. SIGNING AND AUTHENTICATION OF BONDS; APPOINTMENT AND DUTIES OF BOND REGISTRAR. The Bonds shall be signed by the Fiscal Officer and the County Executive, in the name of the County and in their official capacities, provided that any or all of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution.

The Fiscal Officer and County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Bond Registrar Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Bond Registrar Agreement by the Fiscal Officer and the County Executive and the approval of the Director of Law thereon.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the County. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION 6. REGISTRATION; TRANSFER AND EXCHANGE; BOOK ENTRY SYSTEM.

(a) Register. So long as any of the Bonds remain outstanding, the County will cause the Bond Registrar to maintain and keep at its designated corporate trust office, the Register. Except for purposes of the Continuing Disclosure Agreement, the person in whose name a Bond is registered on the Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of the Bond

Service Charges on any Bond shall be made only to or upon the order of that person; neither the County nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the County's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at that office of the Bond Registrar, together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the County are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the County. In all cases of Bonds exchanged or transferred, the County shall provide for the signing and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the County and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The County or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the County, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings, as the Bonds surrendered upon that exchange or transfer. Neither the County nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice by the Bond Registrar of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its

Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer and the Bond Registrar do not or are unable to do so, the Fiscal Officer and the Bond Registrar, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The Fiscal Officer and the Bond Registrar are hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the County, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the County.

SECTION 7. SALE OF THE BONDS. The Fiscal Officer is hereby authorized to sell the Bonds at a private sale to the Original Purchaser for a purchase price of not less than 95% of the aggregate principal amount of the Bonds, and with and upon such other terms as are required or authorized by this Resolution to be specified in the Final Terms Certificate, in accordance with law, the provisions of this Resolution and the Bond Purchase Agreement.

The Fiscal Officer and County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Bond Purchase Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Fiscal Officer and the County Executive and the approval of the Director of Law thereon.

The Fiscal Officer shall sign and deliver the Final Terms Certificate and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. Any member of this Council, the County Executive, the Clerk, the Fiscal Officer, the Director of Law and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

SECTION 8. OFFICIAL STATEMENT, RATING AND CONTINUING DISCLOSURE.

(a) Official Statement. The County Executive, the Fiscal Officer and other officials of the County are authorized, on behalf of the County and in their official capacities, to prepare or cause to be prepared a preliminary official statement in connection with the original issuance of the Bonds, and to determine and certify or otherwise represent when that preliminary official statement is to be “deemed final” (except for permitted omissions) for purposes of paragraph (b)(i) of the Rule and authorize the use and distribution of the preliminary official statement. Those officials are further authorized to modify and change the preliminary official statement in order for it to be a final official statement for purposes of paragraphs (b)(3) and (4) of the Rule and to certify or represent such, use and distribute the final official statement and modify, change or supplement the final official statement as necessary or desirable. The County Executive and the Fiscal Officer are further authorized to sign, on behalf of the County and in their official capacities, the final official statement.

(b) Application for Rating, or Credit Enhancement. If, in the judgment of the Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally recognized rating agencies, or (ii) credit enhancement facility from a company or companies to better assure the payment of the Bond Service Charges on the Bonds, is in the best interest of and financially advantageous to the County, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for that purpose, to determine whether to obtain such rating or credit enhancement facility, and to provide for the payment of the cost of obtaining each such rating or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Fiscal Officer has taken such actions, those actions are hereby ratified and confirmed.

(c) Continuing Disclosure Agreement. For the benefit of the owners and beneficial owners from time to time of the Bonds, the County agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of the Rule.

The Fiscal Officer and County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Continuing Disclosure Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement by the Fiscal Officer and the approval of the Director of Law thereon.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the County with its Continuing Disclosure Agreement,

including timely provision of information and notices as described above. Prior to making any filing in accordance with the Continuing Disclosure Agreement or providing notice of the occurrence of any other events pursuant to the Continuing Disclosure Agreement, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the County. The Fiscal Officer, acting in the name and on behalf of the County, shall be entitled to rely upon any such legal advice in determining whether a filing should be made.

The performance by the County of its obligations pursuant to the Continuing Disclosure Agreement shall be subject to the appropriation of funds necessary for such performance.

SECTION 9. SECURITY FOR THE BONDS; COVENANTS AND REPRESENTATIONS.

(a) Special Obligations. The Bonds are special obligations of the County, and the Bond Service Charges are payable solely from the Nontax Revenues, and such payment is secured by a pledge of the Nontax Revenues. The County hereby covenants and agrees that it shall appropriate in its appropriation measure for each year the Bonds are outstanding Nontax Revenues in an amount sufficient to pay all Bond Service Charges due and payable in that year. The County further covenants and agrees that it shall deposit from time to time Nontax Revenues into the Bond Service Fund sufficient, together with amounts then on deposit in the Bond Service Fund, to pay the Bond Service Charges when due.

The payments due hereunder and under the Bonds are payable solely from Nontax Revenues, which Nontax Revenues are determined by this Council as money that is not raised by taxation. The Bonds are not secured by an obligation or pledge of any money raised by taxation. The Bonds do not and shall not represent or constitute a debt or pledge of the faith or credit or taxing power of the County, and the owners of the Bonds have no right to have taxes levied by the County for the payment of the Bond Service Charges.

Nothing herein shall be construed as requiring the County to use or apply to the payment of principal and interest on the Bonds any funds or revenues from any source other than Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Bonds.

(b) Covenant Regarding Parity Obligations. The County covenants that, so long as any of the Bonds are outstanding, it shall not issue any Parity Obligations unless prior to the enactment of legislation authorizing such Parity Obligations the Fiscal Officer shall have certified to this Council that the average Nontax Revenues during the Coverage Computation Period, adjusted to reflect, if appropriate or

necessary, changes in the rates or charges resulting in the Nontax Revenues, will aggregate in amount not less than the Coverage Ratio of the highest amount due in any succeeding year of (i) Bond Service Charges and (ii) required payments on the proposed Parity Obligations and all outstanding Parity Obligations.

(c) Funds and Accounts. There is hereby created the Fiduciary Fund, the Treasurer Account and the Bond Service Fund, including the Bond Service Account and the Bond Reserve Account therein, in the custody of the Fiscal Officer. The Fiscal Officer is authorized to create such accounts or subaccounts in the Fiduciary Fund, the Treasurer Account and the Bond Service Fund as the Fiscal Officer deems appropriate.

(d) Other Covenants. The County will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions to be performed on its part under this Resolution, the Continuing Disclosure Agreement and the Bonds and under all proceedings of this Council pertaining thereto. The County represents that (i) it is, and upon delivery of the Bonds covenants that it will be, duly authorized by the Constitution and laws of the State including particularly and without limitation the Act, to issue the Bonds and to provide the security for payment of the Bond Service Charges in the manner and to the extent set forth herein and in the Bonds; (ii) all actions on its part for the issuance of the Bonds have been or will be taken duly and effectively; and (iii) the Bonds will be valid and enforceable special obligations of the County according to their terms. Each obligation of the County required to be undertaken pursuant to this Resolution and the Bonds is binding upon the County, and upon each officer or employee of the County as may from time to time have the authority under law to take any action on behalf of the County as may be necessary to perform all or any part of such obligation, as a duty of the County and of each of those officers and employee resulting from an office, trust or station within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

All books and documents in the County's possession relating to the Nontax Revenues shall be open at all times during the County's regular business hours to inspection by such accountants or other agents of the owners of the Bonds as the owners may from time to time designate.

The Clerk, or another appropriate officer of the County, shall furnish to the Original Purchaser a true transcript of proceedings, certified by that officer, of all proceedings had with reference to the issuance of the Bonds along with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

SECTION 10. FEDERAL TAX CONSIDERATIONS. The County covenants that it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that (a) the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be

treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Bonds will not be treated as an item of tax preference under Section 57 of the Code.

The County further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The County Executive, the Fiscal Officer or any other officer of the County having responsibility for issuance of the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the County with respect to the Bonds as the County is permitted to or required to make or give under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the County, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the County, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the County regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

SECTION 11. BOND COUNSEL. This Council hereby retains Bond Counsel in connection with the authorization, sale, issuance and delivery of the Bonds. Payment for the services of Bond Counsel shall be a cost of the issuance of the Bonds to be paid from the proceeds from the sale of the Bonds. In providing its services, as an independent contractor and in an attorney-client relationship, Bond Counsel shall not exercise any administrative discretion on behalf of the County in the formation of public policy, expenditure of funds, enforcement of laws, rules and regulations of the State or the County, or of any other political subdivision of the State, or the execution of public trusts.

SECTION 12. OTHER DETERMINATIONS. This Council determines that all acts and conditions necessary to be done or performed by the County or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding special obligations of the County have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law.

SECTION 13. EFFECTIVE DATE. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (i) its approval by the County Executive through signature, (ii) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Charter, or (iii) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 14. COMPLIANCE WITH OPEN MEETING REQUIREMENTS. This Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

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

Journal _____
_____, 20__

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0257

<p>Sponsored by: County Executive FitzGerald/Fiscal Officer/Office of Budget & Management</p>	<p>A Resolution authorizing the issuance and sale of County of Cuyahoga, Ohio Taxable Economic Development Revenue Bonds, Series 2014B (Western Reserve Fund) in an aggregate principal amount not-to-exceed \$24,500,000.00 for the purpose of providing moneys to pay costs of “Projects” within the meaning of Ohio Revised Code Chapter 165; authorizing the preparation and use of a preliminary official statement; authorizing the preparation, execution and use of an official statement; approving and authorizing the execution of a bond purchase agreement, a bond registrar agreement and a continuing disclosure agreement; authorizing other actions related to the issuance of the bonds; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County of Cuyahoga, Ohio (the “County”), a county and political subdivision of the State of Ohio (the “State”), is authorized and empowered, by virtue of the laws of the State of Ohio, including, without limitation, Article VIII, Section 13 of the Ohio Constitution and Ohio Revised Code Chapter 165 (the “Act”), among other things, to issue its revenue bonds for the purpose of financing “projects” as defined in the Act, that create or preserve jobs and employment opportunities and improve the economic welfare of the people of the County and of the State; and

WHEREAS, the County has determined that it is necessary and desirable to issue its Taxable Economic Development Revenue Bonds, Series 2014B (Western Reserve Fund Project) (the “Bonds”) to create and preserve jobs and employment opportunities and improve the economic welfare of the people of the County and the State, by providing funding to make loans, and to reimburse the County for loans made, to finance “Projects” (as such term is defined in the Act) (the “Projects”), fund a reserve account (if determined to be necessary) and pay certain costs of issuance in connection with such Bonds; and

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

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

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

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

“*Bond Counsel*” means Calfee, Halter & Griswold LLP.

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

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

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

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

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

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

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

“*Bonds*” means the Taxable Economic Development Revenue Bonds, Series 2014B (Western Reserve Fund) authorized by this Resolution.

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

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

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

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

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

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

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

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Series 2014B Bonds.

“*Code*” means the Internal Revenue Code of 1986, the regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

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

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

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

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

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

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

“*County*” means the County of Cuyahoga, Ohio.

“*County Executive*” means the County Executive of the County; provided, for purposes of the signing of documents, certificates and other instruments other than the Bonds and the Official Statement, County Executive includes the County Executive’s Chief of Staff as the County Executive’s designee pursuant to Executive Order No. 02011-0002 and any other person duly designated by the County Executive.

“*Coverage Computation Period*” means the three most recent calendar years preceding the date of the certification required by Section 9(b).

“*Coverage Ratio*” means 150%.

“*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Director of Law*” means the Director of Law of the County and his or her duly authorized designee.

“*Fiduciary Fund*” means the Western Reserve Fund authorized and established by this Resolution.

“*Final Terms Certificate*” means the Final Terms Certificate authorized by this Resolution to be signed by the Fiscal Officer.

“*Fiscal Officer*” means the Fiscal Officer of the County, including an interim or acting Fiscal Officer.

“*Flats Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2014 A (Flats East Development LLC Project), all issued pursuant to the Flats Indenture.

“*Flats Indenture*” means the Trust Indenture dated as of April 1, 2014 between the County and the Flats.

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

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

“*Funds*” means, collectively, the Treasurer Account and the Bond Service Fund.

“*Gateway Bonds*” means, collectively, the County’s Taxable Economic Development Revenue Bonds, Series 1992A (Gateway Arena Project), Taxable Economic Development Revenue Refunding Bonds, Series 2004A (Gateway Arena Project) and Taxable Economic Development Revenue Refunding Bonds, Series 2010C (Gateway Arena Project), all issued pursuant to the Gateway Indenture.

“*Gateway Indenture*” means the Master Indenture dated as of September 15, 1992, as amended and supplemented by the First Supplemental Trust Indenture dated as of September 15, 1992, the Second Supplemental Trust Indenture dated as of September 15, 1992, the Third Supplemental Trust Indenture dated as of February 1, 1994, the Fourth Supplemental Trust Indenture dated as of February 1, 2004 and the Fifth Supplemental Trust Indenture dated as of September 1, 2010, each between the County and the Gateway Trustee.

“*Gateway Revenues*” means the Revenues as defined in the Gateway Indenture.

“*Gateway Trustee*” means The Bank of New York Mellon Trust Company, N.A., as trustee under the Gateway Indenture, and its successors and assigns.

“*Interest Payment Dates*” means June 1 and December 1 of each year that the Bonds are outstanding, commencing June 1, 2015 unless otherwise determined by the Fiscal Officer in the Final Terms Certificate.

“*Mandatory Redemption*” means the obligation to redeem Term Bonds as provided in Section 4(e)(i) and the Final Terms Certificate.

“*Medical Mart/Convention Center Bonds*” means, collectively, the County’s Recovery Zone Facility Economic Development Revenue Bonds, Series 2010F (Medical Mart/Convention Center Project) and Taxable Economic Development Revenue Bonds, Series 2010G (Medical Mart/Convention Center Project), all issued pursuant to the Medical Mart/Convention Center Indenture.

“*Medical Mart/Convention Center Indenture*” means the Trust Indenture dated as of December 1, 2010 between the County and the Medical Mart/Convention Center Trustee.

“*Medical Mart/Convention Center Revenues*” means the Project Revenues as defined in the Medical Mart/Convention Center Indenture.

“*Medical Mart/Convention Center Trustee*” means U.S. Bank National Association as trustee under the Medical Mart/Convention Center Indenture, and its successors and assigns.

“*Nontax Revenues*” means all moneys of the County that are not raised by taxation, to the extent available for payment of Bond Service Charges on the Bonds, including, but not limited to the following: (a) charges for services and payments received in reimbursement for services; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures; (d) fees from properly imposed licenses and permits; (e) investment earnings on any funds of the County that are credited to the County’s General Fund; (f) proceeds from the sale of assets; (g) rental income; (h) grants from the United States of America and the State; (i) gifts and donations; and (j) Project Revenues; provided that Nontax Revenues do not include the Brownfield Revenues, the Commercial Redevelopment Revenues, the Gateway Revenues, the Medical Mart/Convention Center Revenues, the Westin Revenues, the Steelyard Revenues or the Flats Revenues.

“*Official Statement*” means, as appropriate, the preliminary official statement or the final official statement authorized by this Resolution.

“*Original Purchaser*” means KeyBanc Capital Markets, Inc., Wells Fargo & Company and Loop Capital Markets.

“*Parity Obligations*” means, collectively, the Brownfield Bonds, the Commercial Redevelopment Bonds, the Gateway Bonds and the Medical Mart/Convention Center Bonds, the Steelyard Bonds, the Westin Bonds, the Flats Bonds and any bonds, notes or other obligations of or guaranties by the County secured by a pledge of the Nontax Revenues on a parity with or prior to the Bonds.

“*Participant*” means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

“*Principal Payment Dates*” means the Principal Payment Dates determined by the Fiscal Officer in the Final Terms Certificate.

“*Payment Dates*” means the Interest Payment Dates and the Principal Payment Dates.

“*Project Purposes*” means the making of loans, or the reimbursement of the County of loans already made, for various Projects within the County.

“*Projects*” means the acquisition, construction, improvement, furnishing and equipping of real and personal property for industry, commerce, research and distribution, each of which constitutes a “project” within the meaning of the Act.

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

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

“*Rule*” means Rule 15c2-12 promulgated by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Serial Bonds*” means those Bonds, if any, designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

“*State*” means the State of Ohio.

“*Steelyard Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2013A (Steelyard Commons Project), all issued pursuant to the Steelyard Resolution.

“*Steelyard Resolution*” means Resolution No. 2013-0199 adopted by the Council on September 24, 2013.

“*Steelyard Revenues*” means the Project Revenues as defined in the Steelyard Resolution.

“*Term Bonds*” means those Bonds designated as such and maturing on the Principal Payment Dates set forth in the Final Terms Certificate.

“*Treasurer Account*” means the Western Reserve Fund Treasurer Account authorized and established by this Resolution.

“*Westin Bonds*” means the County’s Taxable Economic Development Revenue Bonds, Series 2013B (Westin Cleveland Hotel Project), all issued pursuant to the Westin Resolution.

“*Westin Resolution*” means Resolution No. R2013-0224 adopted by the Council on December 10, 2013.

“*Westin Revenues*” means the Project Revenues as defined in the Westin Resolution.

SECTION 2. DETERMINATIONS BY COUNCIL. This Council finds and determines that (i) based on the certification of the CIC, each of the loans made or to be made is for a “project” as defined in the Act and is consistent with the purposes of Article VIII, Section 13 of the Ohio Constitution and (ii) will benefit the people of the County and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the County and the State.

SECTION 3. AUTHORIZED PRINCIPAL AMOUNT AND PURPOSE; APPLICATION OF PROCEEDS. It is necessary and determined to be in the County’s best interest to issue the Bonds in an aggregate principal amount not to exceed \$24,500,000 to pay costs of the Projects, fund a reserve account, if determined to be necessary, and pay costs of the issuance of the Bonds. The aggregate principal amount of the Bonds to be issued to provide sufficient funds for those purposes (not to exceed \$24,500,000) shall be determined by the Fiscal Officer in the Final Terms Certificate. The Bonds shall be issued pursuant to this Resolution, the Final Terms Certificate, Article VIII, Section 13 of the Ohio Constitution and the Act. The proceeds from the sale of the Bonds received by the County shall be deposited into the Treasurer Account and shall be used for the Project Purposes. The proceeds of the sale of the Bonds are appropriated for such purposes.

SECTION 4. DENOMINATIONS; DATING; PRINCIPAL AND INTEREST PAYMENT AND REDEMPTION PROVISIONS. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as of the Closing Date.

(a) **Interest Rates and Payment Dates.** The Bonds shall bear interest at the rate or rates (computed on a twelve 30-day months/360-day year basis), as shall be determined by the Fiscal Officer in the Final Terms Certificate, subject to subsection (c) of this Section. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for in full. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) **Principal Payment Schedule.** The Bonds shall mature on the Principal Payment Dates determined by the Fiscal Officer in the Final Terms Certificate.

Consistent with the foregoing and in accordance with his determination of the best interest of and financial advantages to the County, the Fiscal Officer shall specify in the Final Terms Certificate (i) the aggregate principal amount of Bonds, to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Serial Bonds, if any, shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of

the Bonds, to be issued as Term Bonds, if any, the Principal Payment Date or Dates on which those Term Bonds shall be stated to mature and the dates and amounts of Mandatory Redemption applicable to those Term Bonds.

(c) Condition for Establishment of Interest Rates. The net interest rate for the Bonds determined by taking into account the Principal Payment Dates and the principal amounts due on the Bonds (at stated maturity or by Mandatory Redemption) shall not exceed 9% per year.

(d) Payment of Bond Service Charges. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of the Bonds shall be payable when due upon presentation and surrender of the Bonds at the designated office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Fiscal Officer or the County Executive, in the name and on behalf of the County, in connection with the book entry system.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) *Mandatory Redemption.* If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to and redeemed pursuant to mandatory redemption on the Principal Payment Dates set forth in the Final Terms Certificate at a price equal to 100% of the principal amount of the Term Bonds to be redeemed.

The County shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Redemption for the Term Bonds so delivered. That option shall be exercised by the County on or before the 15th day preceding any Mandatory Redemption with respect to which the County wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the current or any subsequent Mandatory Redemption for the Term Bonds. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Redemption shall not be reduced. A credit against the then current or any subsequent Mandatory Redemption also shall be received by the County for any Term Bonds which prior thereto have been redeemed (other than by Mandatory Redemption) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any

Mandatory Redemption for the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current or subsequent Mandatory Redemption for the Term Bonds so delivered, redeemed or purchased and canceled.

(ii) *Optional Redemption.* Certain maturities of Bonds may be subject to redemption by and at the sole option of the County, in whole or in part, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, all to be determined by the Fiscal Officer in the Final Terms Certificate.

Certain maturities of the Bonds may be subject to redemption by and at the sole option of the County, in whole or in part, on the dates, in the years and at a redemption price that will make the owner of such Bonds whole for the early redemption, all to be determined by the Fiscal Officer in the Final Terms Certificate.

If optional redemption of Term Bonds is to take place as of the date of any Mandatory Redemption applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed by operation of the Mandatory Redemption on that date. The Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Fiscal Officer to the Bond Registrar, given upon the direction of this Council by adoption of a resolution. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

There shall be deposited with the Bond Registrar on or prior to the redemption date, money that, in addition to any other money available therefore and held by the Bond Registrar, will be sufficient to redeem the Bonds for which notice of redemption has been given.

(iii) *Partial Redemption.* If fewer than all of the Bonds are called for optional redemption at one time, they shall be called as selected by, and in a manner determined by the County. If fewer than all Bonds of a single maturity are to be redeemed, the selection of the Bonds to be redeemed, or portions thereof in Authorized Denominations, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of partial redemption of Bonds by lot when Bonds in denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not

all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of a redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including accrued interest to the redemption date), and (ii) issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination in an aggregate principal amount equal to the unmatured and unredeemed portion, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) *Notice of Redemption.* The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the County by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) *Payment of Redeemed Bonds.* Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If money for the redemption of all of the Bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, is held by the Bond Registrar on the redemption date, so as to be available therefore on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

SECTION 5. SIGNING AND AUTHENTICATION OF BONDS; APPOINTMENT AND DUTIES OF BOND REGISTRAR.

The Bonds shall be signed by the Fiscal Officer and the County Executive, in the name of the County and in their official capacities, provided that any or all of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Fiscal Officer, shall be numbered as determined by the Fiscal Officer, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Resolution.

The Fiscal Officer and the County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Bond Registrar Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Bond Registrar Agreement by the Fiscal Officer and the County Executive and the approval of the Director of Law thereon.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Fiscal Officer on behalf of the County. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION 6. REGISTRATION; TRANSFER AND EXCHANGE; BOOK ENTRY SYSTEM.

(a) Register. So long as any of the Bonds remain outstanding, the County will cause the Bond Registrar to maintain and keep at its designated corporate trust office, the Register. Except for purposes of the Continuing Disclosure Agreement, the person in whose name a Bond is registered on the Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of the Bond Service Charges on any Bond shall be made only to or upon the order of that person; neither the County nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the County's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of

the Bond at that office of the Bond Registrar, together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the County are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the County. In all cases of Bonds exchanged or transferred, the County shall provide for the signing and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the County and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The County or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the County, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings, as the Bonds surrendered upon that exchange or transfer. Neither the County nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice by the Bond Registrar of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book Entry System. The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the book entry interest owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the County.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Fiscal Officer and the Bond Registrar may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Fiscal Officer and the Bond Registrar do not or are unable to do so, the Fiscal Officer and the Bond Registrar, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements

deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause bond certificates in registered form and Authorized Denominations to be authenticated by the Bond Registrar and delivered to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of County action or inaction, of those persons requesting such issuance.

The Fiscal Officer and the Bond Registrar are hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the County, that the Fiscal Officer determines to be necessary in connection with a book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the County.

SECTION 7. SALE OF THE BONDS. The Fiscal Officer is hereby authorized to sell the Bonds at a private sale to the Original Purchaser for a purchase price of not less than 95% of the aggregate principal amount of the Bonds, and with and upon such other terms as are required or authorized by this Resolution to be specified in the Final Terms Certificate, in accordance with law, the provisions of this Resolution and the Bond Purchase Agreement.

The Fiscal Officer and County Executive are hereby authorized to sign and deliver, in the name and on behalf of the County, the Bond Purchase Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Fiscal Officer and the County Executive and the approval of the Director of Law thereon.

The Fiscal Officer shall sign and deliver the Final Terms Certificate and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. Any member of this Council, the County Executive, the Clerk, the Fiscal Officer, the Director of Law and other County officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Resolution.

SECTION 8. OFFICIAL STATEMENT, RATING AND CONTINUING DISCLOSURE.

(a) Official Statement. The County Executive, the Fiscal Officer and other officials of the County are authorized, on behalf of the County and in their official capacities, to prepare or cause to be prepared a preliminary official statement in connection with the original issuance of the Bonds, and to determine and certify or otherwise represent when that preliminary official statement is to be “deemed final” (except for permitted omissions) for purposes of paragraph (b)(i) of the Rule and authorize the use and distribution of the preliminary official statement. Those officials are further authorized to modify and change the preliminary official statement in order

for it to be a final official statement for purposes of paragraphs (b)(3) and (4) of the Rule and to certify or represent such, use and distribute the final official statement and modify, change or supplement the final official statement as necessary or desirable. The County Executive and the Fiscal Officer are further authorized to sign, on behalf of the County and in their official capacities, the final official statement.

(b) Application for Rating, or Credit Enhancement. If, in the judgment of the Fiscal Officer, the filing of an application for (i) a rating on the Bonds by one or more nationally recognized rating agencies, or (ii) credit enhancement facility from a company or companies to better assure the payment of the Bond Service Charges on the Bonds, is in the best interest of and financially advantageous to the County, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for that purpose, to determine whether to obtain such rating or credit enhancement facility, and to provide for the payment of the cost of obtaining each such rating or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose. To the extent the Fiscal Officer has taken such actions, those actions are hereby ratified and confirmed.

(c) Continuing Disclosure Agreement. For the benefit of the owners and beneficial owners from time to time of the Bonds, the County agrees, as the only obligated person with respect to the Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of the Rule.

The Fiscal Officer is hereby authorized and directed to complete, sign and deliver, in the name and on behalf of the County, the Continuing Disclosure Agreement in the form approved by the Director of Law, which approval shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement by the Fiscal Officer and the approval of the Director of Law thereon.

The Fiscal Officer is further authorized and directed to establish procedures in order to ensure compliance by the County with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing in accordance with the Continuing Disclosure Agreement or providing notice of the occurrence of any other events pursuant to the Continuing Disclosure Agreement, the Fiscal Officer shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the County. The Fiscal Officer, acting in the name and on behalf of the County, shall be entitled to rely upon any such legal advice in determining whether a filing should be made.

The performance by the County of its obligations pursuant to the Continuing Disclosure Agreement shall be subject to the appropriation of funds necessary for such performance.

SECTION 9. SECURITY FOR THE BONDS; COVENANTS AND REPRESENTATIONS.

(a) Special Obligations. The Bonds are special obligations of the County, and the Bond Service Charges are payable solely from the Nontax Revenues, and such payment is secured by a pledge of the Nontax Revenues. The County hereby covenants and agrees that it shall appropriate in its appropriation measure for each year the Bonds are outstanding Nontax Revenues in an amount sufficient to pay all Bond Service Charges due and payable in that year. The County further covenants and agrees that it shall deposit from time to time Nontax Revenues into the Bond Service Fund sufficient, together with amounts then on deposit in the Bond Service Fund, to pay the Bond Service Charges when due.

The payments due hereunder and under the Bonds are payable solely from Nontax Revenues, which Nontax Revenues are determined by this Council as money that is not raised by taxation. The Bonds are not secured by an obligation or pledge of any money raised by taxation. The Bonds do not and shall not represent or constitute a debt or pledge of the faith or credit or taxing power of the County, and the owners of the Bonds have no right to have taxes levied by the County for the payment of the Bond Service Charges.

Nothing herein shall be construed as requiring the County to use or apply to the payment of principal and interest on the Bonds any funds or revenues from any source other than Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the County, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Resolution or of the Bonds.

(b) Covenant Regarding Parity Obligations. The County covenants that, so long as any of the Bonds are outstanding, it shall not issue any Parity Obligations unless prior to the enactment of legislation authorizing such Parity Obligations the Fiscal Officer shall have certified to this Council that the average Nontax Revenues during the Coverage Computation Period, adjusted to reflect, if appropriate or necessary, changes in the rates or charges resulting in the Nontax Revenues, will aggregate in amount not less than the Coverage Ratio of the highest amount due in any succeeding year of (i) Bond Service Charges and (ii) required payments on the proposed Parity Obligations and all outstanding Parity Obligations.

(c) Funds and Accounts. There is hereby created the Fiduciary Fund, the Treasurer Account and the Bond Service Fund, including the Bond Service Account and the Bond Reserve Account therein, in the custody of the Fiscal Officer. The Fiscal

Officer is authorized to create such accounts or subaccounts in the Fiduciary Fund, the Treasurer Account and the Bond Service Fund as the Fiscal Officer deems appropriate.

(d) Other Covenants. The County will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions to be performed on its part under this Resolution, the Continuing Disclosure Agreement and the Bonds and under all proceedings of this Council pertaining thereto. The County represents that (i) it is, and upon delivery of the Bonds covenants that it will be, duly authorized by the Constitution and laws of the State including particularly and without limitation the Act, to issue the Bonds and to provide the security for payment of the Bond Service Charges in the manner and to the extent set forth herein and in the Bonds; (ii) all actions on its part for the issuance of the Bonds have been or will be taken duly and effectively; and (iii) the Bonds will be valid and enforceable special obligations of the County according to their terms. Each obligation of the County required to be undertaken pursuant to this Resolution and the Bonds is binding upon the County, and upon each officer or employee of the County as may from time to time have the authority under law to take any action on behalf of the County as may be necessary to perform all or any part of such obligation, as a duty of the County and of each of those officers and employee resulting from an office, trust or station within the meaning of Section 2731.01, Ohio Revised Code, providing for enforcement by writ of mandamus.

All books and documents in the County's possession relating to the Nontax Revenues shall be open at all times during the County's regular business hours to inspection by such accountants or other agents of the owners of the Bonds as the owners may from time to time designate.

The Clerk, or another appropriate officer of the County, shall furnish to the Original Purchaser a true transcript of proceedings, certified by that officer, of all proceedings had with reference to the issuance of the Bonds along with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

SECTION 10. BOND COUNSEL. This Council hereby retains Bond Counsel in connection with the authorization, sale, issuance and delivery of the Bonds. Payment for the services of Bond Counsel shall be a cost of the issuance of the Bonds to be paid from the proceeds from the sale of the Bonds. In providing its services, as an independent contractor and in an attorney-client relationship, Bond Counsel shall not exercise any administrative discretion on behalf of the County in the formation of public policy, expenditure of funds, enforcement of laws, rules and regulations of the State or the County, or of any other political subdivision of the State, or the execution of public trusts.

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

Journal _____
_____, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0258

Sponsored by: County Executive FitzGerald/Department of Human Resources	A Resolution making an award on RQ30390 to Caremark PCS Health, LLC in the amount not-to-exceed \$40,189,733.00 for group healthcare benefits for County employees and their eligible dependents including pharmacy benefit management services for the period 1/1/2015 - 12/31/2017; 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.
--	--

WHEREAS, the County Executive/Department of Human Resources recommending an award on RQ30390 to Caremark PCS Health, LLC in the amount not-to-exceed \$40,189,733.00 for group healthcare benefits for County employees and their eligible dependents including pharmacy benefit management services for the period 1/1/2015-12/31/2017; and

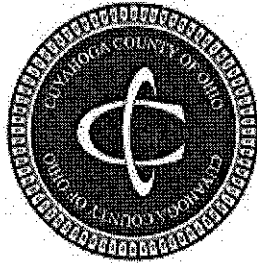
WHEREAS, the primary goal of this project is to provide group healthcare medical and prescription drug benefits to County employees and their eligible dependents; and

WHEREAS, this project is funded 100% from the Hospitalization Self Insurance 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 makes an award on RQ30390 to Caremark PCS Health, LLC in the amount not-to-exceed \$40,189,733.00 for group healthcare benefits for County employees and their eligible dependents including pharmacy benefit management services for the period 1/1/2015-12/31/2017.



3

Item Details:

Agency/Dept. Name:	Office of Procurement and Diversity	Agency/Dept. Head Name:	Elise Hara
Type of Request:	Agreement/Amendment		
Request Prepared by:	Pat Smock	Telephone No.	443-3187

SUMMARY OF REQUESTED ACTION:

A. Scope of Work Summary

1. Department of Human Resources requesting approval of an agreement with Caremark PCS Health L.L.C. (CVS/ Caremark) for anticipated cost of \$40,189,733.00*. The anticipated start-completion dates are 01/01/15-12/31/16.

2015 - \$13,002,599.00
 2016 - \$13,392,677.00
 2017 - \$13,794,457.00

2. The primary goal of this project is to provide group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services.

B. Procurement

1. The procurement method for this project was RFP. The total value of the RFP is \$230,836,445.00* of which Caremark PCS Health L.L.C. is not to exceed \$40,189,733.00.
2. The RFP closed on There is an SBE participation/goal of X%/1%

C. Contractor and Project Information

The address of the vendor is
CaremarkPCS Health, LLC

1 CVS Drive (CVS/Caremark)
Woonsocket RI 02895

Council District NA

2. The owners for the vendor are:
Larry Merlo, CEO

D. Project Status and Planning

1. The project is ongoing. The County requests proposals every 3 years.

E. Funding

1. The project is funded 100% by the Hospitalization Self Insurance Fund.

2. The schedule of payments is weekly.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The Department of Human Resources requesting approval of an agreement with Caremark PCS Health LLC (CVS/ Caremark) for group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services for Fiscal Years 2015, 2016 and 2017.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:
RFP (Request for Proposal)

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

Financial Information:

Funding source:	Explanation:
Other	Hospitalization Self Insurance Fund

Total Amount Requested:
\$40,189,733.00

ATTACHMENTS:

Click to download

- [Annual Report](#)
- [Sec of State form](#)
- [Cert of Liability Ins](#)
- [Cert of Liability Ins2](#)
- [Electronic Signature](#)
- [Non Collusion Affidavit](#)
- [Vendors Compliance Form](#)
- [Principal Owner Form](#)

- [Signature Authorization](#)
- [W-9](#)
- [RFP](#)
- [RFP Addendum](#)
- [Requisition](#)
- [Advertising Reg](#)
- [RFP Scoring](#)
- [SBE 1](#)
- [SBE 2](#)
- [Cooperative Purchasing Vendor Form](#)
- [Auditors Findings](#)
- [CVS Evaluation](#)
- [Caremark History](#)
- [Notice of Intent to Award](#)
- [RFP Scoring 2](#)
- [Original Agreement with HAC](#)
- [HAC Agreement Addendum](#)
- [HAC agreement performance guarantees](#)
- [Blue Back](#)
- [Tab sheet](#)
- [Workers' Comp Cert 14-15](#)
- [RFP Repsonse](#)
- [RFP REsponse](#)
- [RFP Response](#)
- [RFP Response](#)
- [RFP Response](#)
- [RFP Response](#)
- [RFP Response](#)
- [RFP Response](#)
- [RFP Response](#)

History

Time

Who

Office of Procurement &
Diversity

Approval






Principal Owner Form

(Required Document for Award Recommendations/Purchases)

VENDOR: Please complete the following information and return it to the Cuyahoga County "Requestor"

Company Name (Legal name of the business):	CaremarkPCS Health, L.L.C. ("CVS/caremark")
Principal Owner's Name (The legal name of the owner/s of the business):	Larry Merlo (CEO), Eva Boratto (President and Treasurer), Allison L. Brown (Senior Vice President), Sara M. Hankins (Secretary), Jonathan C. Roberts (Vice President)
Owner/Officer's Title:	Larry Merlo (CEO), Eva Boratto (President and Treasurer), Allison L. Brown (Senior Vice President), Sara M. Hankins (Secretary), Jonathan C. Roberts (Vice President)
Business Address:	9501 E. Shea Boulevard Scottsdale, Arizona 85260
Phone Number:	(847) 559-4700
Name of Person Completing Form:	Colleen Cleveland
Signature:	
Title:	Vice President, Analytic Consulting & Proposals

If there is more than one (1) principal owner, please complete information for that / those person(s) as well. If a corporation, please identify the CEO, President or other officers of the Corporation representing shareholders.

CUYAHOGA COUNTY STAFF:

I certify that I have checked the Debarment/Suspension lists on the Cuyahoga County Inspector General's website and the Debarment/Suspension lists did not contain the above detailed vendor and/or principal owner.

Signature:  _____

Date: 9/15/14

Printed Name: Pat Smock

Inspector General "Registered Contractor" Number: 12-1040

Cuyahoga County
(Principal Owner Form, 02-05-14)

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

Contractor: Caremark Health PCS, L.L.C.

Contract/Agreement No.: CE1200241

Time Period: 1/1/12-12/31/14

Service Description: Provide group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management

Original Contract/Agreement Amount: \$33,070,329.00

Prior Amendment(s) Amount(s): \$3,500,000.00

Performance Indicators:

Actual performance versus performance indicators (include statistics):

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating:

User Department

Date

s: evaluation



**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Human Resources / Benefits Division

PROPOSAL DUE DATE: May 21, 2014

Number of Proposals Sent/Returned: 24 / 8

RFP TITLE: Medical & Prescription Drug Benefits

RFP #: CC002 - 14 - 30390

SBE: 3% (Addendum No. 1)

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER						USER DEPT.
VENDOR NAME & ADDRESS	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N	
Medical Mutual of Ohio 2060 East 9th Street Cleveland, Ohio 44115 OK - J.E. 5/28/14	IG #12-1865 Planholder = Y NCA = Y MCF = Y Coop = No (ok)	Washington Enterprises \$54,000.00	N 3%	3%	Y	any 5/28/14 NW 5/28/14	Y	
Meritain Health 300 Corporate Parkway Buffalo, New York 14226 (An Aetna Company) OK - J.E. 6/27/14	IG # Planholder = Y NCA = Y MCF = Y Coop = No (ok)		N 0	0	N	any 5/28/14 Requested a full waiver stating that they don't currently utilize any small business SBE contractors NW 5/28/14	N	
OptumRx 2300 Main Street Irvine, California 92614 (Subsidiary of UnitedHealth Group) OK - J.E. 5/28/14	IG # Planholder = Y NCA = Y MCF = Y Coop = Y		N 0	0	N	any 5/28/14 Requested a full waiver stating no outside SBE opportunities are available at this time. SBE 3-2 was not notified NW 5/28/14	N	
United Healthcare 1001 Lakeside Avenue Suite 1000 Cleveland, Ohio 44114 (UnitedHealth Group Company) OK - J.E. 5/28/14	IG #12-2864 Planholder = Y NCA = Y MCF = Y Coop = Y	Ball & Lindsey \$19,625.00	N 3%	3%	Y	any 5/28/14 NW 5/28/14	Y	

* LAW TICKET #FIS-0351 (sent 5/28/2014)
LISA DOKIN

Department Director Name
Rptlab - Updated 10/15/2013

[Signature]
Department Director Signature of Approval
Date: 10/2/14

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3	Weight Factor / Max Weighted Pts															
4	RFP Sections	Max Pts.	96													
5		Total Points Awarded	100	15.00	15.00	15.00	15.00	25.00	26.00	100.00	96.00					
6		Criteria Weight	0.15	0.15	0.15	0.15	0.25	0.30	100%	96.00						
7	Vendor's Weighted Score															
8	Section II- Project Understanding	15	15													
9	Proposed Solution to Scope of Services															
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project	3	3													
12	Pertinent Issues and Potential Problems	4	4													
13	Proposed Solution to Scope of Services	4	4													
14	Deliverables	4	4													
15	Vendor's Weighted Score															
16	Section III Methodology	15	15													
17	Description of Methodology	5	5													
18	Detail Task Description	3	3													
19	Description of Positions and Relationships	2	2													
20	Role of County	2	2													
21	Assessment Plan	3	3													

RFP VENDOR: Anthem
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25								6.25					
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	26										7.80			
33	Cost and Proposed Payment Schedule and Projections	30	26													

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P		
1	Vendor Evaluation Form																	
2	Weight Factor / Max Weighted Pts																	
3																		
4	RFP Sections	Max Pts.	100		(II) Project Understand	15.00	(III) Project Methodology	15.00	(IV) Project Management	15.00	(V) Qualifications & Experience	25.00	(VI) Pricing	30.00	Max Weighted Score	100.00	Total Points Weighted Score	100.00
5		Criteria Weight	0.15		0.15	0.15	0.25	0.30	100%	100.00								
6																		
7																		
8	Section II- Project Understanding	15	15	2.25	VENDOR'S WEIGHTED SCORE													
9	Proposed Solution to Scope of Services																	
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>																	
11	Purpose and Scope of Project	3	3															
12	Pertinent Issues and Potential Problems	4	4															
13	Proposed Solution to Scope of Services	4	4															
14	Deliverables	4	4															
15																		
16	Section III Methodology	15	15	2.25	VENDOR'S WEIGHTED SCORE													
17	Description of Methodology	5	5															
18	Detail Task Description	3	3															
19	Description of Positions and Relationships	2	2															
20	Role of County	2	2															
21	Assessment Plan	3	3															

RFP VENDOR: MMO
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25								6.25					
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	30										9.00			
33	Cost and Proposed Payment Schedule and Projections	30	30													

VENDOR'S WEIGHTED SCORE

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3	Weight Factor / Max Weighted Pts															
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5		100	98	15.00	15.00	15.00	25.00	28.00	100.00	98.00						
6		Criteria Weight			0.15	0.15	0.15	0.25	0.30	100%	98.00					
7	Vendor Evaluation Form															
8	Section II- Project Understanding		15	15	2.25											
9	Proposed Solution to Scope of Services			VENDOR'S WEIGHTED SCORE												
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project		3	3												
12	Pertinent Issues and Potential Problems		4	4												
13	Proposed Solution to Scope of Services		4	4												
14	Deliverables		4	4												
15	Vendor Evaluation Form															
16	Section III Methodology		15	15	2.25											
17	Description of Methodology		5	5	VENDOR'S WEIGHTED SCORE											
18	Detail Task Description		3	3												
19	Description of Positions and Relationships		2	2												
20	Role of County		2	2												
21	Assessment Plan		3	3												

RFP VENDOR: UHC
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25								6.25					
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	28										8.40			
33	Cost and Proposed Payment Schedule and Projections	30	28													

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3	Weight Factor / Max Weighted Pts															
4	RFP Sections		Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score					
5			100	96	15.00	15.00	15.00	25.00	26.00	100.00	96.00					
6			Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	96.00					
7																
8	Section II- Project Understanding		15	15	2.25											
9	Proposed Solution to Scope of Services		VENDOR'S WEIGHTED SCORE													
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.															
11	Purpose and Scope of Project		3	3												
12	Pertinent Issues and Potential Problems		4	4												
13	Proposed Solution to Scope of Services		4	4												
14	Deliverables		4	4												
15																
16	Section III Methodology		15	15	2.25		VENDOR'S WEIGHTED SCORE									
17	Description of Methodology		5	5												
18	Detail Task Description		3	3												
19	Description of Positions and Relationships		2	2												
20	Role of County		2	2												
21	Assessment Plan		3	3												

RFP VENDOR: Meritain
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25								6.25					
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	26										7.80			
33	Cost and Proposed Payment Schedule and Projections	30	26													

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts.	100	100	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Awarded					
5		100	15.00	15.00	15.00	25.00	30.00	100.00	100.00							
6		Criteria Weight	0.15	0.15	0.15	0.25	0.30	100%	100.00							
7																
8	Section II- Project Understanding	15	15	2.25	VENDOR'S WEIGHTED SCORE											
9	Proposed Solution to Scope of Services															
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project	3														
12	Pertinent Issues and Potential Problems	4														
13	Proposed Solution to Scope of Services	4														
14	Deliverables	4														
15																
16	Section III Methodology	15	15	2.25	VENDOR'S WEIGHTED SCORE											
17	Description of Methodology	5														
18	Detail Task Description	3														
19	Description of Positions and Relationships	2														
20	Role of County	2														
21	Assessment Plan	3														

RFP VENDOR: MHS
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27											6.25					
28	Section V Qualifications & Experience	25	25													
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	30												9.00	
33	Cost and Proposed Payment Schedule and Projections	30	30													

RFP VENDOR: UMR
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27											6.25					
28	Section V Qualifications & Experience	25	25													
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	28												8.40	
33	Cost and Proposed Payment Schedule and Projections	30	28													

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
1	Vendor Evaluation Form																
2	Weight Factor / Max Weighted Pts																
3	Weight Factor / Max Weighted Pts																
4	RFP Sections	Max Pts. Awarded	94	(II) Project Understand	15.00	(III) Project Methodology	15.00	(IV) Project Management	15.00	(V) Qualifications & Experience	25.00	(VI) Pricing	24.00	Max Weighted Score	100.00	Total Points Weighted Score	94.00
5		100															
6		Criteria Weight	0.15														
7																	
8	Section II- Project Understanding	15	15														
9	Proposed Solution to Scope of Services																
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>																
11	Purpose and Scope of Project	3	3														
12	Pertinent Issues and Potential Problems	4	4														
13	Proposed Solution to Scope of Services	4	4														
14	Deliverables	4	4														
15																	
16	Section III Methodology	15	15														
17	Description of Methodology	5	5														
18	Detail Task Description	3	3														
19	Description of Positions and Relationships	2	2														
20	Role of County	2	2														
21	Assessment Plan	3	3														
				VENDOR'S WEIGHTED SCORE													
				2.25													

RFP VENDOR: HealthSpan
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15	15					2.25							
24	Project Organization Structure, Control and Reporting	8	8	8												
25	Project Interface with the County	4	4	4												
26	Risk Management	3	3	3												
27											6.25					
28	Section V Qualifications & Experience	25	25	25												
29	Vendor Qualifications	10	10	10												
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15	15												
31																
32	Section VI Pricing	30	30	24									7.20			
33	Cost and Proposed Payment Schedule and Projections	30	30	24												

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections		Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score					
5			100	0	0.00	0.00	0.00	0.00	0.00	100.00	0.00					
6			Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	0.00					
7																
8	Section II- Project Understanding		15	0	VENDOR'S WEIGHTED SCORE											
9	Proposed Solution to Scope of Services															
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project		3	0												
12	Pertinent Issues and Potential Problems		4	0												
13	Proposed Solution to Scope of Services		4	0												
14	Deliverables		4	0												
15																
16	Section III Methodology		15	0	VENDOR'S WEIGHTED SCORE											
17	Description of Methodology		5	0												
18	Detail Task Description		3	0												
19	Description of Positions and Relationships		2	0												
20	Role of County		2	0												
21	Assessment Plan		3	0												

FF0000THIS VENDOR WAS NOT COMPLIANT;
 MANDATORY COMPLIANCE FORMS
 WERE NOT SUBMITTED

RFP VENDOR: Express Scripts (ROC)
 EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	0						0.00							
24	Project Organization Structure, Control and Reporting	8	0													
25	Project Interface with the County	4	0													
26	Risk Management	3	0													
27																
28	Section V Qualifications & Experience	25	0								0.00					
29	Vendor Qualifications	10	0													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	0													
31																
32	Section VI Pricing	30	0												0.00	
33	Cost and Proposed Payment Schedule and Projections	30	0													

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
1	Vendor Evaluation Form																
2	Weight Factor / Max Weighted Pts																
3	RFP Sections																
4		Max Pts.	Total Points Awarded	(I) Project Understand	(II) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score							
5		100	98	15.00	15.00	15.00	25.00	28.00	100.00	98.00							
6		Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	98.00							
7	Section II- Project Understanding																
8		15	15	VENDOR'S WEIGHTED SCORE												2.25	
9	Proposed Solution to Scope of Services																
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>																
11		3	3														
12		4	4														
13		4	4														
14		4	4														
15	Section III Methodology																
16		15	15														
17		5	5														
18		3	3														
19		2	2														
20		2	2														
21		3	3														

RFP VENDOR: MIMO (Rx)
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8		8												
25	Project Interface with the County	4		4												
26	Risk Management	3		3												
27																
28	Section V Qualifications & Experience	25	25								6.25					
29	Vendor Qualifications	10		10												
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15		15												
31																
32	Section VI Pricing	30	30	28										8.40		
33	Cost and Proposed Payment Schedule and Projections	30		28												

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Vendor Evaluation Form																
Weight Factor / Max Weighted Pts																
	RFP Sections		Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score					
4			100	100	15.00	15.00	15.00	25.00	30.00	100.00	100.00					
5					0.15	0.15	0.15	0.25	0.30	100%	100.00					
6																
7																
8	Section II- Project Understanding		15	15	2.25											
9	Proposed Solution to Scope of Services				VENDOR'S WEIGHTED SCORE											
10																
11	Purpose and Scope of Project		3	3												
12	Pertinent Issues and Potential Problems		4	4												
13	Proposed Solution to Scope of Services		4	4												
14	Deliverables		4	4												
15																
16	Section III Methodology		15	15	2.25											
17	Description of Methodology		5	5												
18	Detail Task Description		3	3												
19	Description of Positions and Relationships		2	2												
20	Role of County		2	2												
21	Assessment Plan		3	3												
					VENDOR'S WEIGHTED SCORE											

RFP VENDOR: CVS
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27											6.25					
28	Section V Qualifications & Experience	25	25													
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	30										9.00			
33	Cost and Proposed Payment Schedule and Projections	30	30													

RFP VENDOR: Optum Rx
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts.	100	96	(II) Project Understand	15.00	(III) Project Methodology	15.00	(IV) Project Management	15.00	(V) Qualifications & Experience	25.00	(VI) Pricing	26.00	Max Weighted Score	100.00
5		Total Points Awarded	96	96	0.15	0.15	0.15	0.25	0.30	100.00						
6		Criteria Weight	0.15	0.15	0.15	0.25	0.30	100%	96.00							
7																
8	Section II- Project Understanding	15	15	2.25	VENDOR'S WEIGHTED SCORE											
9	Proposed Solution to Scope of Services															
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project	3	3		VENDOR'S WEIGHTED SCORE											
12	Pertinent Issues and Potential Problems	4	4													
13	Proposed Solution to Scope of Services	4	4													
14	Deliverables	4	4													
15					VENDOR'S WEIGHTED SCORE											
16	Section III Methodology	15	15	2.25	VENDOR'S WEIGHTED SCORE											
17	Description of Methodology	5	5		VENDOR'S WEIGHTED SCORE											
18	Detail Task Description	3	3													
19	Description of Positions and Relationships	2	2													
20	Role of County	2	2													
21	Assessment Plan	3	3		VENDOR'S WEIGHTED SCORE											

RFP VENDOR: Optum Rx
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25								6.25					
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	26										7.80			
33	Cost and Proposed Payment Schedule and Projections	30	26													

Date sent to Dept: 7/24/14
 Date Received from Dept: _____
 (OPD Use Only)



**CUYAHOGA COUNTY
 TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Human Resources / Benefits Division PROPOSAL DUE DATE: May 21, 2014

Number of Proposals Sent/Returned: 24 / 8

RFP TITLE: Medical & Prescription Drug Benefits RFP #: CC002 - 14 - 30390 SBE: 3% (Addendum No. 1)

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
VENDOR NAME & ADDRESS	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Anthem Blue Cross and Blue Shield 8333 Rockside Road Suite 200 Valley View, Ohio 44125 OK - JE 5/28/14	Planholder = Y NCA = Y MCF = Y Coop = No (ok)	ANY Progressive Benefit \$25,000.00	N	3%	and Y	and 5/28/14 and 5/28/14	N
CVS Caremark 2211 Sanders Road Northbrook, Illinois 60062 OK - JE 5/28/14	IG #12-1040 Planholder = Y NCA = Y MCF = Y Coop = Y	FFS for Public Relations \$15,244.00	N	0.01%	and Y	and 5/29/14 and 5/28/14	Y
Express Scripts One Express Way St. Louis, Missouri 63121 (Rx Ohio Collaborative) Non-RESPONSIVE JE 7/24/14	IG # Planholder = Y NCA = Y MCF = No (*) Coop = No (ok)		N	0%	and N	They have not identified any one yet but they expect to meet the goal and 5/28/14	N
HealthSpan Integrated Care North Point Tower 1001 Lakeside Avenue, Suite 1200 Cleveland, Ohio 44114 (Formerly Kaiser Permanente) OK - JE 5/28/14	IG # Planholder = Y NCA = Y MCF = Y Coop = No (ok)		N	0%	and Y	Requested a full waiver stating that they are a non-profit organization but they did not submit any evidence for sec. 8 state waiver. It was denied. NON-PROFIT and 5/28/14	N

* SEE E-MAIL FROM EGI 7/24/14 (ATTACHED)
 Department Director Signature of Approval: [Signature] Date: 10/21/14

* LAW TICKET #FIS-0351 (sent 5/28/2014)
 LISA DUKUIN
 Department Director Name

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

Contractor: Medical Mutual of Ohio	
Contract/Agreement No.: CE1200249	Time Period: 1/1/12-12/31/14

Service Description: Provide group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management

Original Contract/Agreement Amount: \$92,093,992.00

Prior Amendment(s) Amount(s):

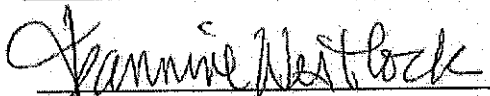
Performance Indicators: account management, customer service, administration, financial management, discount savings, and wellness support

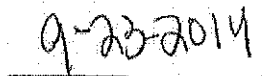
Actual performance versus performance indicators (include statistics): Exceed all indicators.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: There were no performance penalties with the performance indicators. MMO offers the most robust discount with their arrangement with CCF, however, UH is not in the network and has been problematic for emergency care and Metro referrals for the Select Plan. MMO's wellness initiatives are few and do not provide cross-carrier support. They do support the County's wellness fairs.


User Department


Date

s: evaluation

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0259

Sponsored by: County Executive FitzGerald/Department of Human Resources	A Resolution making an award on RQ30390 to Medical Mutual of Ohio in the amount not-to-exceed \$116,156,022.00 for group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services for the period 1/1/2015 - 12/31/2017; 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.
--	---

WHEREAS, the County Executive/Department of Human Resources recommending an award on RQ30390 to Medical Mutual of Ohio in the amount not-to-exceed \$116,156,022.00 for group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services for the period 1/1/2015-12/31/2017; and

WHEREAS, the primary goal of this project is to provide group healthcare medical and prescription drug benefits to County employees and their eligible dependents; and

WHEREAS, this project is funded 100% from the Hospitalization Self Insurance 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 makes an award on RQ30390 to Medical Mutual of Ohio in the amount not-to-exceed \$116,156,022.00 for group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services for the period 1/1/2015-12/31/2017.

SECTION 2. That the County Executive is authorized to execute the contract and all other documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County 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

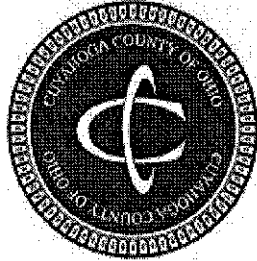
Clerk of Council

Date

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

Journal _____
_____, 20__

Novus AGENDA



4

Item Details:

Agency/Dept. Name:	Office of Human Resources	Agency/Dept. Head Name:	Elise Hara
Type of Request:			
Request Prepared by:	Pat Smock	Telephone No.	443-3187
SUMMARY OF REQUESTED ACTION:			
A. Scope of Work Summary			
1. Department of Human Resources requesting approval of an agreement with Medical Mutual of Ohio for anticipated cost of \$116,156,022.00*. The anticipated start-completion dates are 01/01/15-12/31/16.			
2015 - \$37,580,000.00			
2016 - \$38,707,400.00			
2017 - \$39,868,622.00			
2. The primary goal of this project is to provide group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services.			
B. Procurement			
1. The procurement method for this project was RFP. *The total value of the RFP is \$230,836,445.00 of which Medical Mutual of Ohio is not to exceed \$116,156,022.00.			
2. The RFP closed on There is an SBE participation/goal of X%/X%			
C. Contractor and Project Information			
The address of the vendor is Medical Mutual of Ohio			

2060 East Ninth Street
Cleveland, Ohio 44115-1355

Council District 7

2. The owner for the vendor is:
Rick Chiricosta, Chairman, President & CEO

D. Project Status and Planning

1. The project is ongoing. The County requests proposals every 3 years.

E. Funding

- 1. The project is funded 100% by the Hospitalization Self Insurance Fund.
- 2. The schedule of payments is claims paid XXX, administrative fees paid XXX.

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:
Other	Hospitalization Self Insurance Fund

Total Amount Requested:

\$116,156,022.00

ATTACHMENTS:

Click to download

- [Vendor Compliance Form](#)
- [Annual Report 1 of 3](#)
- [Annual Report 2 of 3](#)
- [Annual Report 3 of 3](#)
- [Non Collusion Affidavit](#)
- [SBE 1 form](#)
- [SBE 2 Form](#)
- [SBE 3 Form](#)
- [Auditors Findings](#)
- [Contract Evaluation](#)
- [Advertising Reg](#)
- [Requisition](#)
- [RFP](#)
- [RFP scoring](#)

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

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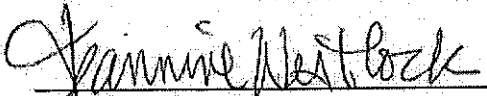
Performance Indicators: account management, customer service, administration, financial management, discount savings, and wellness support

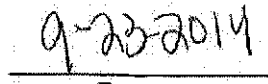
Actual performance versus performance indicators (include statistics): Exceed all indicators.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: There were no performance penalties with the performance indicators. MMO offers the most robust discount with their arrangement with CCF, however, UH is not in the network and has been problematic for emergency care and Metro referrals for the Select Plan. MMO's wellness initiatives are few and do not provide cross-carrier support. They do support the County's wellness fairs.


User Department


Date

s: evaluation

Date sent to Dept: 7/24/14
 Date Received from Dept: _____
 (OPD Use Only)

**CUYAHOGA COUNTY
 TABULATION OF PROPOSALS RECEIVED**



DEPARTMENT NAME: Human Resources / Benefits Division PROPOSAL DUE DATE: May 21, 2014

Number of Proposals Sent/Returned: 24 / 8

RFP TITLE: Medical & Prescription Drug Benefits RFP #: CC002 - 14 - 30390 SBE: 3% (Addendum No. 1)

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
VENDOR NAME & ADDRESS	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Athen Blue Cross and Blue Shield 8333 Rockside Road Suite 200 Valley View, Ohio 44125	OK - SE 5/28/14	Progressive Benefits \$25,000.00	N	3%	Y	any 5/29/14 nw 5/28/14	N
CVS Caremark 2211 Sanders Road Northbrook, Illinois 60062	OK - SE 5/28/14	FFS for Public Relations \$15,244.00	N	5.001%	Y	any 5/29/14 nw 5/28/14	Y
Express Scripts One Express Way St. Louis, Missouri 63121 <i>(Formerly Kaiser Permanente)</i>	Non-RESPONSIVE SE 7/24/14		N	0%	N	They have not identified any medical providers any 5/28/14 nw 5/28/14	N
HealthSpan Integrated Care North Point Tower 1001 Lakeside Avenue, Suite 1200 Cleveland, Ohio 44114	OK - SE 5/28/14		N	0%	Y	Requested a full waiver stating that they are an NPO for organization but they did not sign any evidence for any waiver member IS A NW 5/28/14	N

* LAW TICKET #FIS-0351 (sent 5/28/2014)
 LISA DUKAKIS
 Department Director Name

* SEE E-MAIL FROM EGI 7/24/14 (ATTACHED)

Department Director Signature of Approval: [Signature] Date: 10/21/14



**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Human Resources / Benefits Division

PROPOSAL DUE DATE: May 21, 2014

Number of Proposals Sent/Returned: 24 / 8

RFP TITLE: Medical & Prescription Drug Benefits

RFP #: CC002 - 14 - 30390 SBE: 3% (Addendum No. 1)

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
VENDOR NAME & ADDRESS	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Medical Mutual of Ohio 2060 East 9th Street Cleveland, Ohio 44115	OK- JL 5/28/14	AFM Washington Enterprises \$54,000.00	N	3%	and	any specify NW 5/28/14	Y
Mentain Health 300 Corporate Parkway Buffalo, New York 14226	OK- JL 6/27/14		N	0	N	Requested a full waiver stating that you don't currently utilize any SBE businesses as subcontractors NW 5/28/14	N
OptumRx 2300 Main Street Irvine, California 92614	OK- JL 5/28/14		N	0	N	Requested all waiver stating no outside sporting opportunities are available at this time. SBE 3-2 was not authorized NW 5/28/14	N
United Healthcare 1001 Lakeside Avenue Suite 1000 Cleveland, Ohio 44114	OK- JL 5/28/14	EF Bell & Howsary \$19,635.00	N	3%	and	any specify NW 5/28/14	Y

* LAW TICKET #RIS-0351 (sent 5/28/2014)

LISA BOELKE

Department Director Name

RfpTab - Updated 10/15/2013

Department Director Signature of Approval

Date

10/21/14



Principal Owner Form

(Required Document for Award Recommendations/Purchases)

VENDOR: Please complete the following information and return it to the Cuyahoga County "Requestor"

Company Name (Legal name of the business):	Medical Mutual of Ohio
Principal Owner's Name (The legal name of the owner/s of the business):	n/a
Owner/Officer's Title:	Richard A. Chiricosta Chairman, President & CEO
Business Address:	2060 East Ninth Street, Cleveland, Ohio 44115
Phone Number:	216/687-7000
Name of Person Completing Form:	Patricia Decensi
Signature:	<i>Patricia Decensi</i>
Title:	Vice President, General Counsel & Chief Compliance Officer

If there is more than one (1) principal owner, please complete information for that / those person(s) as well. If a corporation, please identify the CEO, President or other officers of the Corporation representing shareholders.

CUYAHOGA COUNTY STAFF:

I certify that I have checked the Debarment/Suspension lists on the Cuyahoga County Inspector General's website and the Debarment/Suspension lists did not contain the above detailed vendor and/or principal owner.

Signature: *[Signature]* Date: 9/26/14

Printed Name: PAT SMOCK

Inspector General "Registered Contractor" Number: 12-1865

Cuyahoga County
(Principal Owner Form, 02-05-14)

EVALUATION MATRIX

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts.	Total Points Awarded		(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score					
5		100	96		20.00	15.00	14.00	23.00	24.00	100.00	96.00					
6		Criteria Weight			0.25	0.25	0.15	0.20	0.15	100%	96.00					
7																
8	Section II- Project Understanding		20	20	5.00											
9	Proposed Solution to Scope of Services				VENDOR'S WEIGHTED SCORE											
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project		6	6												
12	Pertinent Issues and Potential Problems		3	3												
13	Proposed Solution to Scope of Services		6	6												
14	Deliverables		5	5												
15																
16	Section III Methodology		15	15	3.75											
17	Description of Methodology				VENDOR'S WEIGHTED SCORE											
18	Detail Task Description															
19	Description of Positions and Relationships															
20	Role of County															
21	Assessment Plan															
22																
23	Section IV Project Management		15	14			2.10									
24	Project Organization Structure, Control and Reporting		8	8												
25	Project Interface with the County		4	4												
26	Risk Management		3	2												
27																
28	Section V Qualifications & Experience		25	23				4.60								
29	Vendor Qualifications				VENDOR'S WEIGHTED SCORE											
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)															
31																
32	Section VI Pricing		25	24					3.60							
33	Cost and Proposed Payment Schedule and Projections		25	24												
34	Notes: * Leakage a problem due to non-contracting status, estimated \$1M financial impact.															
35	* Metro leadership will not limit steerage to CCF.															
36	* Able to utilize MMO's discount at CCF (which is the most favorable of all plans).															
37	* Good reporting package, excellent preventive disease reports.															

EVALUATION MATRIX

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5		100	98	20.00	15.00	15.00	24.00	24.00	100.00	98.00						
6		Criteria Weight	0.25	0.25	0.15	0.20	0.15	100%	98.00							
7																
8	Section II- Project Understanding		20	20	5.00											
9	Proposed Solution to Scope of Services				VENDOR'S WEIGHTED SCORE											
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project		6	6												
12	Pertinent Issues and Potential Problems		3	3												
13	Proposed Solution to Scope of Services		6	6												
14	Deliverables		5	5												
15																
16	Section III Methodology		15	15	3.75											
17	Description of Methodology				VENDOR'S WEIGHTED SCORE											
18	Detail Task Description															
19	Description of Positions and Relationships															
20	Role of County															
21	Assessment Plan															
22																
23	Section IV Project Management		15	15	2.25											
24	Project Organization Structure, Control and Reporting		8	8												
25	Project Interface with the County		4	4												
26	Risk Management		3	3												
27																
28	Section V Qualifications & Experience		25	24	4.80											
29	Vendor Qualifications		10	10	VENDOR'S WEIGHTED SCORE											
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)		15	14												
31																
32	Section VI Pricing		25	24	3.60											
33	Cost and Proposed Payment Schedule and Projections		25	24												
34	Notes: * UH problem is eliminated if UMR is selected. Leakage control estimated at \$1M.															
35	* Has solid national network and experience as a TPA, able to leverage larger network if needed for "rare" or "specialized" conditions.															
36	* Flexible carveout for stop-loss															
37	* Impressive implementation strategy coupled with never having to pay a performance guarantee with Implementation															
38	* Piggyback off of UHC's strong relationship with Premier Physicians (a problem area with current set-up)															

EVALUATION MATRIX

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5		100	97	20.00	15.00	15.00	25.00	22.00	100.00	97.00						
6		Criteria Weight		0.25	0.25	0.15	0.20	0.15	100%	97.00						
7																
8	Section II- Project Understanding	20	20	5.00												
9	Proposed Solution to Scope of Services			VENDOR'S WEIGHTED SCORE												
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project	6	6													
12	Pertinent Issues and Potential Problems	3	3													
13	Proposed Solution to Scope of Services	6	6													
14	Deliverables	5	5													
15																
16	Section III Methodology	15	15		3.75											
17	Description of Methodology	5	5	VENDOR'S WEIGHTED SCORE												
18	Detail Task Description	3	3													
19	Description of Positions and Relationships	2	2													
20	Role of County	2	2													
21	Assessment Plan	3	3													
22																
23	Section IV Project Management	15	15			2.25										
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25				5.00									
29	Vendor Qualifications	10	10	VENDOR'S WEIGHTED SCORE												
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	25	22					3.30								
33	Cost and Proposed Payment Schedule and Projections	25	22													
34	Notes: * Moving to performance based contracting (aka potential savings for self-funded plan) - inplace for 4yrs															
35	* Provides cross-carrier products (aka Lose & Win)															
36	* Providing \$50K in wellness \$'s + \$9K for APEX + extra \$25K if UMR gets Metro (un-restrictive funds) + L-n-L's thru SBE funding.															
37	* Looking to enter discussions to expand the "Diabetes Not Me" program to non-UHC subscribers @ County. Pgm in place w/ YWCA															
38	* Initial hiccups with Regionalization, but now working well.															
39	* Lacks MMO's discount with CCF and Anthem's overall discount is more favorable (Anthem Savings \$750K - \$1M)															

EVALUATION MATRIX

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5		100	94	20.00	15.00	13.00	23.00	23.00	100.00	94.00						
6		Criteria Weight	0.25	0.25	0.15	0.20	0.15	100%	94.00							
7																
8	Section II- Project Understanding		20	20	5.00											
9	Proposed Solution to Scope of Services				VENDOR'S WEIGHTED SCORE											
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project		6	6												
12	Pertinent Issues and Potential Problems		3	3												
13	Proposed Solution to Scope of Services		6	6												
14	Deliverables		5	5												
15																
16	Section III Methodology		15	15	3.75											
17	Description of Methodology				VENDOR'S WEIGHTED SCORE											
18	Detail Task Description															
19	Description of Positions and Relationships															
20	Role of County															
21	Assessment Plan															
22																
23	Section IV Project Management		15	13	1.95											
24	Project Organization Structure, Control and Reporting		8	6												
25	Project Interface with the County		4	4												
26	Risk Management		3	3												
27																
28	Section V Qualifications & Experience		25	23	4.60											
29	Vendor Qualifications				VENDOR'S WEIGHTED SCORE											
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)															
31																
32	Section VI Pricing		25	23	3.45											
33	Cost and Proposed Payment Schedule and Projections		25	23												
34	Notes: * Expanded network with Metro and Summa partnerships															
35	* Referral process changed with no longer requiring the mandatory PCP gatekeeper referral (will still have PCP).															
36	* Self-funding is projected for rollout in 7/15.															
37	* Primary local partner is UH (change from CCF when KP)															
38	* Engaged in pre-diabetes program with YMCA, effective 2015															
39	* Some "unknowns" since County relationship with HealthSpan is new															

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5		100	94	17.00	15.00	15.00	22.00	25.00	100.00	94.00						
6		Criteria Weight	0.25	0.25	0.15	0.20	0.15	100%	94.00							
7																
8	Section II- Project Understanding		20	17	4.25											
9	Proposed Solution to Scope of Services				VENDOR'S WEIGHTED SCORE											
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project		6	6												
12	Pertinent Issues and Potential Problems		3	2												
13	Proposed Solution to Scope of Services		6	5												
14	Deliverables		5	4												
15																
16	Section III Methodology		15	15	3.75											
17	Description of Methodology				VENDOR'S WEIGHTED SCORE											
18	Detail Task Description		3	3												
19	Description of Positions and Relationships		2	2												
20	Role of County		2	2												
21	Assessment Plan		3	3												
22																
23	Section IV Project Management		15	15	2.25											
24	Project Organization Structure, Control and Reporting		8	8												
25	Project Interface with the County		4	4												
26	Risk Management		3	3												
27																
28	Section V Qualifications & Experience		25	22	4.40											
29	Vendor Qualifications		10	10	VENDOR'S WEIGHTED SCORE											
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)		15	12												
31																
32	Section VI Pricing		25	25	3.75											
33	Cost and Proposed Payment Schedule and Projections		25	25												
34	Notes: * Fully integrate with outside stop-loss carrier															
35	* Appears to have enhanced reporting package (previous package was lacking)															
36	* Concerns about customer service staff (was problematic when they had the dental coverage)															
37	* Added fee for pgms tailored to wellness such Mom's pgm															
38	* Pre-diabetes program with YMCA															
39	* Concerns w/ ASO language + ASO fees has minority broker commission added															
40	* Appears to possess capabilities for Regionalization.															
41	* Has better overall discount compared to UHC resulting in savings of \$750K - \$1M, but does not have CCF discount MMO has.															

RFP VENDOR MMO
EVALUATION MATRIX

Completed By: Jeannine Westlock

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	14						2.10							
24	Project Organization Structure, Control and Reporting	8	7													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	24								4.80					
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	14													
31																
32	Section VI Pricing	25	25										3.75			
33	Cost and Proposed Payment Schedule and Projections	25	25													
34	Notes: * CCF in network, UH out, most favorable discount of all carriers w/CCF															
35	* Least impressive standard reporting package from the incumbent carriers															
36	* No cross-carrier wellness initiatives other than L-n-Ls, wants to charge for wellness items															
37	* "Impact" wellness has surcharge w/it. Some basics such as WW and Quitline have no charge															
38	* No issues currently with Regionalization															
39	* \$75K wellness subsidy, if current structure maintained															
40	* Made costly implementation error(s) in past (aka bariatric and growth hormone therapy)															

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5		100	91	14.00	15.00	15.00	22.00	25.00	100.00	91.00						
6		Criteria Weight			0.25	0.25	0.15	0.20	0.15	100%	91.00					
7																
8	Section II- Project Understanding		20	14	3.50											
9	Proposed Solution to Scope of Services			VENDOR'S WEIGHTED SCORE												
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>															
11	Purpose and Scope of Project	6	5													
12	Pertinent Issues and Potential Problems	3	1													
13	Proposed Solution to Scope of Services	6	4													
14	Deliverables	5	4													
15																
16	Section III Methodology		15	15	3.75											
17	Description of Methodology			VENDOR'S WEIGHTED SCORE												
18	Detail Task Description															
19	Description of Positions and Relationships															
20	Role of County															
21	Assessment Plan															
22																
23	Section IV Project Management		15	15	2.25											
24	Project Organization Structure, Control and Reporting															
25	Project Interface with the County															
26	Risk Management															
27																
28	Section V Qualifications & Experience		25	22	4.40											
29	Vendor Qualifications			VENDOR'S WEIGHTED SCORE												
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)															
31																
32	Section VI Pricing		25	25	3.75											
33	Cost and Proposed Payment Schedule and Projections															
34	Notes: * No experience with regionalization. Iffy about Regionalization "only if it fits their business strategy".															
35	* Healthy Merits is the wellness program.															
36	* Overall average reporting package, like the preventive report.															
37	* Concerned about discount since TPA															
38	* Will cover baseline screening 1st yr (HRA + blood)															

RFP VENDOR: MHS
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts. Awarded	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5				100	15.00	15.00	15.00	25.00			30.00	100.00	100.00			
6				Criteria Weight	0.15	0.15	0.15	0.25			0.30	100%	100.00			
7																
8	Section II- Project Understanding	15	15													
9	Proposed Solution to Scope of Services															
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.															
11	Purpose and Scope of Project	3	3													
12	Pertinent Issues and Potential Problems	4	4													
13	Proposed Solution to Scope of Services	4	4													
14	Deliverables	4	4													
15																
16	Section III Methodology	15	15													
17	Description of Methodology	5	5													
18	Detail Task Description	3	3													
19	Description of Positions and Relationships	2	2													
20	Role of County	2	2													
21	Assessment Plan	3	3													
				VENDOR'S WEIGHTED SCORE				VENDOR'S WEIGHTED SCORE								
				2.25				2.25								

RFP VENDOR: MHS
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	30										9.00			
33	Cost and Proposed Payment Schedule and Projections	30	30													

VENDOR'S WEIGHTED SCORE

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
1	Vendor Evaluation Form																
2	Weight Factor / Max Weighted Pts																
3																	
4	RFP Sections	Total Points Awarded	Max Pts. Awarded	98	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5					15.00	15.00	15.00	25.00	28.00			100.00	98.00				
6					0.15	0.15	0.15	0.25	0.30			100%	98.00				
7																	
8	Section II- Project Understanding		15	15													
9	Proposed Solution to Scope of Services																
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.																
11	Purpose and Scope of Project	3		3													
12	Pertinent Issues and Potential Problems	4		4													
13	Proposed Solution to Scope of Services	4		4													
14	Deliverables	4		4													
15																	
16	Section III Methodology		15	15													
17	Description of Methodology	5		5													
18	Detail Task Description	3		3													
19	Description of Positions and Relationships	2		2													
20	Role of County	2		2													
21	Assessment Plan	3		3													
					VENDOR'S WEIGHTED SCORE					VENDOR'S WEIGHTED SCORE							
					2.25					2.25							

RFP VENDOR: UMR
EVALUATION MATRIX

Completed By: Dan Firilin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8		8												
25	Project Interface with the County	4		4												
26	Risk Management	3		3												
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10		10												
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15		15												
31																
32	Section VI Pricing	30	28										8.40			
33	Cost and Proposed Payment Schedule and Projections	30	28													

VENDOR'S WEIGHTED SCORE

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
1	Vendor Evaluation Form																
2	Weight Factor / Max Weighted Pts																
3	Section I - Project Understanding																
4	RFP Sections	Max Pts. Awarded	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score							
5											100	94	15.00	15.00	15.00	25.00	24.00
6	Criteria Weight										0.15	0.15	0.15	0.25	0.30	100%	94.00
7	Section II - Project Understanding																
8	Proposed Solution to Scope of Services																
9	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.																
10	VENDOR'S WEIGHTED SCORE																
11	Purpose and Scope of Project	3															2.25
12	Pertinent Issues and Potential Problems	4	4	4													
13	Proposed Solution to Scope of Services	4	4	4													
14	Deliverables	4	4	4													
15	VENDOR'S WEIGHTED SCORE																
16	Section III Methodology																
17	Description of Methodology	5	5	5													2.25
18	Detail Task Description	3	3	3													
19	Description of Positions and Relationships	2	2	2													
20	Role of County	2	2	2													
21	Assessment Plan	3	3	3													

RFP VENDOR: HealthSpan
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	24										7.20			
33	Cost and Proposed Payment Schedule and Projections	30	24													

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
1	Vendor Evaluation Form																
2	Weight Factor / Max Weighted Pts																
3																	
4	RFP Sections	Max Pts. Awarded	100	0	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5					0.00	0.00	0.00	0.00	0.00			0.30	100.00	0.00			
6	Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	0.00								
7																	
8	Section II- Project Understanding		15	0													
9	Proposed Solution to Scope of Services															VENDOR'S WEIGHTED SCORE	0.00
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.																
11	Purpose and Scope of Project		3	0													
12	Pertinent Issues and Potential Problems		4	0													
13	Proposed Solution to Scope of Services		4	0													
14	Deliverables		4	0													
15																	
16	Section III Methodology		15	0													
17	Description of Methodology		5	0													
18	Detail Task Description		3	0													
19	Description of Positions and Relationships		2	0													
20	Role of County		2	0													
21	Assessment Plan		3	0													

FF0000 THIS VENDOR WAS NOT COMPLIANT;
 MANDATORY COMPLIANCE FORMS
 WERE NOT SUBMITTED

RFP VENDOR: Express Scripts (ROC)
 EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	0						0.00							
24	Project Organization Structure, Control and Reporting	8	0													
25	Project Interface with the County	4	0													
26	Risk Management	3	0													
27																
28	Section V Qualifications & Experience	25	0							0.00						
29	Vendor Qualifications	10	0													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	0													
31																
32	Section VI Pricing	30	0										0.00			
33	Cost and Proposed Payment Schedule and Projections	30	0													

VENDOR'S WEIGHTED SCORE

RFP VENDOR: MMO (Rx)
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						98.00
5		100	98	15.00	15.00	15.00	25.00	28.00	100.00	98.00						98.00
6		Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	98.00						98.00
7																
8	Section II- Project Understanding		15	15												2.25
9	Proposed Solution to Scope of Services															VENDOR'S WEIGHTED SCORE
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.															2.25
11	Purpose and Scope of Project	3	3													
12	Pertinent Issues and Potential Problems	4	4													
13	Proposed Solution to Scope of Services	4	4													
14	Deliverables	4	4													
15																
16	Section III. Methodology		15	15												2.25
17	Description of Methodology	5	5												VENDOR'S WEIGHTED SCORE	
18	Detail Task Description	3	3													
19	Description of Positions and Relationships	2	2													
20	Role of County	2	2													
21	Assessment Plan	3	3													

RFP VENDOR: MMO (Rx)
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	28										8.40			
33	Cost and Proposed Payment Schedule and Projections	30	28													

RFP VENDOR: CVS
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	30										9.00			
33	Cost and Proposed Payment Schedule and Projections	30	30													

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P		
1	Vendor Evaluation Form																	
2	Weight Factor / Max Weighted Pts																	
3																		
4	RFP Sections	Max Pts. Awarded	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score								
5				100	96	15.00	15.00	15.00	25.00	26.00	100.00	96.00						
6				Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	96.00						
7																		
8	Section II- Project Understanding		15	15														
9	Proposed Solution to Scope of Services		VENDOR'S WEIGHTED SCORE															
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.		2.25															
11	Purpose and Scope of Project	3	3															
12	Pertinent Issues and Potential Problems	4	4															
13	Proposed Solution to Scope of Services	4	4															
14	Deliverables	4	4															
15																		
16	Section III Methodology		15	15														
17	Description of Methodology	5	5															
18	Detail Task Description	3	3															
19	Description of Positions and Relationships	2	2															
20	Role of County	2	2															
21	Assessment Plan	3	3															

RFP VENDOR: Optum Rx
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	26										7.80			
33	Cost and Proposed Payment Schedule and Projections	30	26													

VENDOR'S WEIGHTED SCORE

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0260

Sponsored by: County Executive FitzGerald/Department of Human Resources	A Resolution making an award on RQ30390 to United Healthcare Services, Inc. in the amount not-to-exceed \$68,308,890.00 for group healthcare benefits for County employees and their eligible dependents including medical benefit management services for the period 1/1/2015 - 12/31/2017; 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.
--	---

WHEREAS, the County Executive/Department of Human Resources recommending an award on RQ30390 to United Healthcare Services, Inc. in the amount not-to-exceed \$68,308,890.00 for group healthcare benefits for County employees and their eligible dependents including medical benefit management services for the period 1/1/2015-12/31/2017; and

WHEREAS, the primary goal of this project is to provide group healthcare medical benefits to County employees and their eligible dependents; and

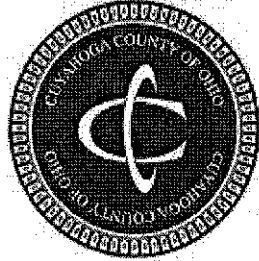
WHEREAS, this project is funded 100% from the Hospitalization Self Insurance Fund; and

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 makes an award on RQ30390 to United Healthcare Services, Inc. in the amount not-to-exceed \$68,308,890.00 for group healthcare benefits for County employees and their eligible dependents including medical benefit management services for the period 1/1/2015-12/31/2017.

Novus AGENDA



5

Item Details:

Agency/Dept. Name:	Office of Human Resources	Agency/Dept. Head Name:	Elise Hara
Type of Request:	Agreement/Amendment		
Request Prepared by:	Pat Smock	Telephone No.	443-3187
SUMMARY OF REQUESTED ACTION:			
A. Scope of Work Summary			
1. Department of Human Resources requesting approval of an agreement with UnitedHealthcare for anticipated cost of \$68,308,890.00*. The anticipated start-completion dates are 01/01/15-12/31/17.			
2015 - \$22,100,000.00			
2016 - \$22,763,000.00			
2017 - \$23,445,890.00			
2. The primary goal of this project is to provide group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services.			
B. Procurement			
1. The procurement method for this project was RFP. The total value of the RFP is \$230,836,445.00* of which UnitedHealthCare is not to exceed \$68,308,890.00			
2. The RFP closed on There is an SBE participation/goal of 3%/1%			
C. Contractor and Project Information			
The address of the vendor is UnitedHealthcare			

1001 Lakeside Avenue, Suite 1000
Cleveland, Ohio 44114

Council District 7

2. The owners for the vendor are:
Robert Falkenberg (Health Plan CEO)

D. Project Status and Planning

1. The project is ongoing. The County requests proposals every 3 years.

E. Funding

- 1. The project is funded 100% by the Hospitalization Self Insurance Fund.
- 2. The schedule of payments is claims paid weekly, administrative fees paid monthly.

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The Department of Human Resources requesting approval of an agreement with UnitedHealthCare for group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management services for Fiscal Years 2015, 2016 and 2017.

Explanation for late submittal:

Contract/Agreement Information:

Procurement Method:
RFP (Request for Proposal)

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

Financial Information:

Funding source:	Explanation:
Other	Hospitalization Self Insurance Fund

Total Amount Requested:
\$68,308,890.00

ATTACHMENTS:

Click to download

- [RFP](#)
- [RFP Addendum](#)
- [Advertising Reg](#)
- [Requisition](#)
- [Audited Financial Statement](#)
- [Certificates of Liability Insurance](#)
- [Electronic Signature Language](#)

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

Contractor: UnitedHealthCare

Contract/Agreement No.: CE1200192 **Time Period:** 1/1/12-12/31/14

Service Description: Provide group healthcare benefits for County employees and their eligible dependents including medical and pharmacy benefit management

Original Contract/Agreement Amount: \$94,194,221.00

Prior Amendment(s) Amount(s):

Performance Indicators:

Actual performance versus performance indicators (include statistics):

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating:

User Department

Date

s: evaluation

Date sent to Dept: 7/24/14
 Date Received from Dept: _____
 (OPD Use Only)

**CUYAHOGA COUNTY
 TABULATION OF PROPOSALS RECEIVED**



DEPARTMENT NAME: Human Resources / Benefits Division

PROPOSAL DUE DATE: May 21, 2014

Number of Proposals Sent/Returned: 24 / 8

RFP TITLE: Medical & Prescription Drug Benefits

RFP #: CC002 - 14 - 30390

SBE: 3% (Addendum No. 1)

TO BE COMPLETED BY OPD	TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER						USER DEPT.
VENDOR NAME & ADDRESS	IG / ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Athena Blue Cross and Blue Shield 8333 Rockside Road Suite 200 Valley View, Ohio 44125	IG # Planholder = Y NCA = Y MCF = Y Coop = No (ok)	<i>DM Progressive Benefits</i> \$25,000.00	N	3%	Y	<i>any 5/29/14</i> mm 5/29/14	N
CVS Caremark 2211 Sanders Road Northbrook, Illinois 60062	IG #12-1040 Planholder = Y NCA = Y MCF = Y Coop = Y	<i>FFS for Public Relations</i> \$15,244.00	N	0.001%	Y	<i>any 5/29/14</i> mm 5/28/14	Y
Express Scripts One Express Way St. Louis, Missouri 63121	IG # Planholder = Y NCA = Y MCF = No (*) Coop = No (ok)		N	0%	N	<i>any 5/29/14</i> mm 5/28/14 They have not identified any needs but they expect to	N
<i>(Formerly Kaiser Permanente)</i> HealthSpan Integrated Care North Point Tower 1001 Lakeside Avenue, Suite 1200 Cleveland, Ohio 44114	IG # Planholder = Y NCA = Y MCF = Y Coop = No (ok)		N	0%	Y	<i>any 5/29/14</i> mm 5/28/14 Requested full waiver stating that they are non-profit organization but they did not submit any evidence for ser. 8 state rules under 15.4 for any 5/29/14 mm 5/28/14	N

* LAW TICKET #FIS-0351 (sent 5/28/2014)
LSA Dvz/14
 Department Director Name

* See E-MAIL
 FROM EGI 7/24/14
 (ATTACHED)

Department Director Signature of Approval: [Signature] Date: 10/21/14



**CUYAHOGA COUNTY
TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: **Human Resources / Benefits Division**

PROPOSAL DUE DATE: **May 21, 2014**

Number of Proposals Sent/Returned: **24 / 8**

RFP TITLE: **Medical & Prescription Drug Benefits**

RFP #: **CC002 - 14 - 30390**

SBE: **3%** (Addendum No. 1)

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
VENDOR NAME & ADDRESS	IG / ETHNICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
Medical Mutual of Ohio 2060 East 9th Street Cleveland, Ohio 44115	OK- JL 5/28/14	AFM Washington Enterprises \$54,000.00	N	3%	Y	any 5/29/14 any 5/28/14	Y
Meridian Health 300 Corporate Parkway Buffalo, New York 14226	OK- JL 6/27/14		N	0	N	Requested a full answer stating that they don't currently fit the size and Small business's per subcontractors any 5/29/14	N
(An Aetna Company) OptumRx 2300 Main Street Irvine, California 92614	OK- JL 5/28/14		N	0	N	Requested at all however stating no outside's pertinent opportunities are available at this time. SBE 3-2 was not authorized any 5/29/14	N
(a UnitedHealth Group Company) United Healthcare 11001 Lakeside Avenue Suite 1000 Cleveland, Ohio 44114	OK- JL 5/28/14	FF Bell & Howson \$19,625.00	N	3%	Y	any 5/29/14 any 5/28/14	Y

* LAW TICKET #FIS-0351 (sent 5/28/2014)

Lisa Dzekin

Department Director Name

RfpLab - Updated 10/15/2013

[Signature]

10/21/14

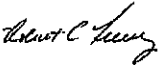
Date



Principal Owner Form

(Required Document for Award Recommendations/Purchases)

VENDOR: Please complete the following information and return it to the Cuyahoga County "Requestor"

Company Name (Legal name of the business):	UnitedHealthcare Services Inc.
Principal Owner's Name (The legal name of the owner/s of the business):	Robert Falkenberg
Owner/Officer's Title:	Health Plan CEO
Business Address:	9200 Worthington Road Westerville, OH 43-82
Phone Number:	(614) 410-7079
Name of Person Completing Form:	Robert Falkenberg
Signature:	
Title:	Health Plan CEO

If there is more than one (1) principal owner, please complete information for that / those person(s) as well. If a corporation, please identify the CEO, President or other officers of the Corporation representing shareholders.

CUYAHOGA COUNTY STAFF:

I certify that I have checked the Debarment/Suspension lists on the Cuyahoga County Inspector General's website and the Debarment/Suspension lists did not contain the above detailed vendor and/or principal owner.

Signature:  _____

Date: 9/5/2014

Printed Name: Robert Falkenberg

Inspector General "Registered Contractor" Number: 12-2864

Cuyahoga County
(Principal Owner Form, 02-05-14)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P										
1	Vendor Evaluation Form																									
2	Weight Factor / Max Weighted Pts																									
3																										
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	15.00	(III) Project Methodology	15.00	(IV) Project Management	15.00	(V) Qualifications & Experience	25.00	(VI) Pricing	26.00	Max Weighted Score	100.00	Total Points Weighted Score	96.00									
5																		100	96	0.15	0.15	0.15	0.25	0.30	100%	96.00
6																		Criteria Weight								
7																										
8	Section II - Project Understanding		15	15	VENDOR'S WEIGHTED SCORE													2.25								
9	Proposed Solution to Scope of Services																									
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.																									
11	Purpose and Scope of Project		3	3	VENDOR'S WEIGHTED SCORE													2.25								
12	Pertinent Issues and Potential Problems		4	4	VENDOR'S WEIGHTED SCORE													2.25								
13	Proposed Solution to Scope of Services		4	4	VENDOR'S WEIGHTED SCORE													2.25								
14	Deliverables		4	4	VENDOR'S WEIGHTED SCORE													2.25								
15																										
16	Section III Methodology		15	15	VENDOR'S WEIGHTED SCORE													2.25								
17	Description of Methodology		5	5	VENDOR'S WEIGHTED SCORE													2.25								
18	Detail Task Description		3	3	VENDOR'S WEIGHTED SCORE													2.25								
19	Description of Positions and Relationships		2	2	VENDOR'S WEIGHTED SCORE													2.25								
20	Role of County		2	2	VENDOR'S WEIGHTED SCORE													2.25								
21	Assessment Plan		3	3	VENDOR'S WEIGHTED SCORE													2.25								

RFP VENDOR: Anthem
EVALUATION MATRIX

Completed By: Dan Firilin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	.3													
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	26										7.80			
33	Cost and Proposed Payment Schedule and Projections	30	26													

VENDOR'S WEIGHTED SCORE

RFP VENDOR: MMO
EVALUATION MATRIX

Completed By: Dan Finlir (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P								
1	Vendor Evaluation Form																							
2	Weight Factor / Max Weighted Pts																							
3																								
4	RFP Sections	Max Pts. Awarded	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score														
5											100	100	15.00	15.00	15.00	25.00	30.00	100.00	100.00					
6											Criteria Weight													
7																								
8	Section II- Project Understanding		15	15													2.25							
9	Proposed Solution to Scope of Services																							
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.																							
11	Purpose and Scope of Project	3		3													VENDOR'S WEIGHTED SCORE							
12	Pertinent Issues and Potential Problems	4		4																				
13	Proposed Solution to Scope of Services	4		4																				
14	Deliverables	4		4																				
15																								
16	Section III Methodology		15	15													2.25							
17	Description of Methodology																							
18	Detail Task Description	3		3													VENDOR'S WEIGHTED SCORE							
19	Description of Positions and Relationships																							
20	Role of County	2		2																				
21	Assessment Plan	3		3																				

RFP VENDOR: MMO
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15		15					2.25							
24	Project Organization Structure, Control and Reporting	8		8												
25	Project Interface with the County	4		4												
26	Risk Management	3		3												
27																
28	Section V Qualifications & Experience	25		25						6.25						
29	Vendor Qualifications	10		10												
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15		15												
31																
32	Section VI Pricing	30		30									9.00			
33	Cost and Proposed Payment Schedule and Projections	30		30												

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P																
1	Vendor Evaluation Form																															
2	Weight Factor / Max Weighted Pts																															
3																																
4	RFP Sections	Max Pts. 100	Total Points Awarded 98	(II) Project Understand	15.00	(III) Project Methodology	15.00	(IV) Project Management	15.00	(V) Qualifications & Experience	25.00	(VI) Pricing	28.00	Max Weighted Score 100.00	100%	Total Points Weighted Score 98.00																
5																																
6																																
7																																
8	Section II- Project Understanding		15														15															
9	Proposed Solution to Scope of Services																															
10	<i>Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.</i>																															
11	Purpose and Scope of Project		3														3															
12	Pertinent Issues and Potential Problems		4														4															
13	Proposed Solution to Scope of Services		4														4															
14	Deliverables		4														4															
15																																
16	Section III Methodology		15														15															
17	Description of Methodology																															
18	Detail Task Description		3														3															
19	Description of Positions and Relationships																															
20	Role of County		2														2															
21	Assessment Plan		3														3															

RFP VENDOR: UHC
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15							2.25						
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	28										8.40			
33	Cost and Proposed Payment Schedule and Projections	30	28													

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P												
1	Vendor Evaluation Form																											
2	Weight Factor / Max Weighted Pts																											
3																												
4	RFP Sections	Max Pts. Awarded	Total Points Awarded	96	15.00	15.00	15.00	15.00	25.00	26.00	100.00	96.00	0.15	0.15	0.15	0.25	0.30	100%	96.00									
5																				100	96	0.15	0.15	0.15	0.25	0.30	100%	96.00
6																				Criteria Weight	0.15	0.15	0.15	0.25	0.30	100%	96.00	
7																												
8	Section II- Project Understanding	15	15																									
9	Proposed Solution to Scope of Services																											
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.																											
11	Purpose and Scope of Project	3	3																									
12	Pertinent Issues and Potential Problems	4	4																									
13	Proposed Solution to Scope of Services	4	4																									
14	Deliverables	4	4																									
15																												
16	Section III Methodology	15	15																									
17	Description of Methodology	5	5																									
18	Detail Task Description	3	3																									
19	Description of Positions and Relationships	2	2																									
20	Role of County	2	2																									
21	Assessment Plan	3	3																									

VENDOR'S WEIGHTED SCORE
2.25

VENDOR'S WEIGHTED SCORE
2.25

RFP VENDOR: Meritain
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8		8												
25	Project Interface with the County	4		4												
26	Risk Management	3		3												
27																
28	Section V Qualifications & Experience	25		25						6.25						
29	Vendor Qualifications	10		10												
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15		15												
31																
32	Section VI Pricing	30		26									7.80			
33	Cost and Proposed Payment Schedule and Projections	30		26												

RFP VENDOR: MHS
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P			
1	Vendor Evaluation Form																		
2	Weight Factor / Max Weighted Pts																		
3																			
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score									
5				100	15.00	15.00	15.00	25.00			30.00	100.00	100.00						
6	Criteria Weight		0.15	0.15	0.15	0.15	0.25	0.30	100%	100.00									
7																			
8	Section II- Project Understanding		15	15															
9	Proposed Solution to Scope of Services															VENDOR'S WEIGHTED SCORE	2.25		
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.															VENDOR'S WEIGHTED SCORE	2.25		
11	Purpose and Scope of Project	3	3												VENDOR'S WEIGHTED SCORE	2.25			
12	Pertinent Issues and Potential Problems	4	4												VENDOR'S WEIGHTED SCORE	2.25			
13	Proposed Solution to Scope of Services	4	4												VENDOR'S WEIGHTED SCORE	2.25			
14	Deliverables	4	4												VENDOR'S WEIGHTED SCORE	2.25			
15																			
16	Section III Methodology		15	15												VENDOR'S WEIGHTED SCORE	2.25		
17	Description of Methodology	5	5												VENDOR'S WEIGHTED SCORE	2.25			
18	Detail Task Description	3	3												VENDOR'S WEIGHTED SCORE	2.25			
19	Description of Positions and Relationships	2	2												VENDOR'S WEIGHTED SCORE	2.25			
20	Role of County	2	2												VENDOR'S WEIGHTED SCORE	2.25			
21	Assessment Plan	3	3												VENDOR'S WEIGHTED SCORE	2.25			

RFP VENDOR: MHS
EVALUATION MATRIX

Completed By: Dan Frilin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15							2.25						
24	Project Organization Structure, Control and Reporting	8		8												
25	Project Interface with the County	4		4												
26	Risk Management	3		3												
27																
28	Section V Qualifications & Experience	25		25							6.25					
29	Vendor Qualifications	10		10												
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15		15												
31																
32	Section VI Pricing	30		30									9.00			
33	Cost and Proposed Payment Schedule and Projections	30		30												

RFP VENDOR: UMR
EVALUATION MATRIX

Completed By: Dan Firlih (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P				
1	Vendor Evaluation Form																			
2	Weight Factor / Max Weighted Pts																			
3																				
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score										
5		100	98	15.00	15.00	15.00	25.00	28.00	100.00	98.00										
6		Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	98.00										
7																				
8		Section II-Project Understanding	15	15	VENDORS WEIGHTED SCORE												2.25			
9		Proposed Solution to Scope of Services Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.																		
10																				
11	Purpose and Scope of Project	3	3	VENDORS WEIGHTED SCORE												2.25				
12	Pertinent Issues and Potential Problems	4	4	VENDORS WEIGHTED SCORE												2.25				
13	Proposed Solution to Scope of Services	4	4	VENDORS WEIGHTED SCORE												2.25				
14	Deliverables	4	4	VENDORS WEIGHTED SCORE												2.25				
15																				
16	Section III Methodology	15	15	VENDORS WEIGHTED SCORE												2.25				
17	Description of Methodology	5	5	VENDORS WEIGHTED SCORE												2.25				
18	Detail Task Description	3	3	VENDORS WEIGHTED SCORE												2.25				
19	Description of Positions and Relationships	2	2	VENDORS WEIGHTED SCORE												2.25				
20	Role of County	2	2	VENDORS WEIGHTED SCORE												2.25				
21	Assessment Plan	3	3	VENDORS WEIGHTED SCORE												2.25				

RFP VENDOR: UMR
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interests)	15	15													
31																
32	Section VI Pricing	30	28										8.40			
33	Cost and Proposed Payment Schedule and Projections	30	28													

VENDOR'S WEIGHTED SCORE

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5		100	94	15.00	15.00	15.00	25.00	24.00	100.00	94.00						
6		Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	94.00						
7																
8	Section II- Project Understanding		15	15												
9	Proposed Solution to Scope of Services		VENDOR'S WEIGHTED SCORE													
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.		2.25													
11	Purpose and Scope of Project	3	3													
12	Pertinent Issues and Potential Problems	4	4													
13	Proposed Solution to Scope of Services	4	4													
14	Deliverables	4	4													
15																
16	Section III Methodology		15	15												
17	Description of Methodology	5	5													
18	Detail Task Description	3	3													
19	Description of Positions and Relationships	2	2													
20	Role of County	2	2													
21	Assessment Plan	3	3													
			VENDOR'S WEIGHTED SCORE													
			2.25													

RFP VENDOR: HealthSpan
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8		8												
25	Project Interface with the County	4		4												
26	Risk Management	3		3												
27																
28	Section V Qualifications & Experience	25	25	25						6.25						
29	Vendor Qualifications	10		10												
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15		15												
31																
32	Section VI Pricing	30	30	24									7.20			
33	Cost and Proposed Payment Schedule and Projections	30		24												

VENDOR'S WEIGHTED SCORE

FF0000THIS VENDOR WAS NOT COMPLIANT;
MANDATORY COMPLIANCE FORMS
WERE NOT SUBMITTED

RFP VENDOR: Express Scripts (ROC)
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Vendor Evaluation Form																
Weight Factor / Max Weighted Pts																
1																
2																
3																
4	RFP Sections		Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score					
5			100	0	0.00	0.00	0.00	0.00	0.00	100.00	0.00					
6			Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	0.00					
7																
8	Section II- Project Understanding				0.00											
9	Proposed Solution to Scope of Services				VENDOR'S WEIGHTED SCORE											
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.															
11	Purpose and Scope of Project		3	0												
12	Pertinent Issues and Potential Problems		4	0												
13	Proposed Solution to Scope of Services		4	0												
14	Deliverables		4	0												
15																
16	Section III Methodology				0.00											
17	Description of Methodology		5	0	VENDOR'S WEIGHTED SCORE											
18	Detail Task Description		3	0												
19	Description of Positions and Relationships		2	0												
20	Role of County		2	0												
21	Assessment Plan		3	0												

FF0000THIS VENDOR WAS NOT COMPLIANT;
 MANDATORY COMPLIANCE FORMS
 WERE NOT SUBMITTED

RFP VENDOR: Express Scripts (ROC)
 EVALUATION MATRIX

Completed By: Dan Firilin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	0						0.00							
24	Project Organization Structure, Control and Reporting	8	0													
25	Project Interface with the County	4	0													
26	Risk Management	3	0													
27																
28	Section V Qualifications & Experience	25	0							0.00						
29	Vendor Qualifications	10	0													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	0													
31																
32	Section VI Pricing	30	0										0.00			
33	Cost and Proposed Payment Schedule and Projections	30	0													

VENDOR'S
 WEIGHTED
 SCORE

RFP VENDOR: MMO (RX)
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
1	Vendor Evaluation Form															
2	Weight Factor / Max Weighted Pts															
3																
4	RFP Sections	Max Pts. Awarded	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5				100	98	15.00	15.00	15.00			25.00	28.00	100.00	98.00		
6				Criteria Weight	0.15	0.15	0.15	0.25			0.30	100%	98.00			
7																
8	Section II- Project Understanding		15	15												
9	Proposed Solution to Scope of Services															
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.															
11	Purpose and Scope of Project	3		3												
12	Pertinent Issues and Potential Problems	4		4												
13	Proposed Solution to Scope of Services	4		4												
14	Deliverables	4		4												
15																
16	Section III Methodology		15	15												
17	Description of Methodology	5		5												
18	Detail Task Description	3		3												
19	Description of Positions and Relationships	2		2												
20	Role of County	2		2												
21	Assessment Plan	3		3												

RFP VENDOR: MMO (Rx)
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15	15													
31																
32	Section VI Pricing	30	28									8.40				
33	Cost and Proposed Payment Schedule and Projections	30	28													

RFP VENDOR: CVS
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Vendor Evaluation Form																
Weight Factor / Max Weighted Pts																
1																
2																
3																
4	RFP Sections	Max Pts.	Total Points Awarded	(II) Project Understand	(III) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score						
5		100	100	15.00	15.00	15.00	25.00	30.00	100.00	100.00						
6		Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	100.00						
7																
8	Section II- Project Understanding		15	15												
9	Proposed Solution to Scope of Services		VENDOR'S WEIGHTED SCORE													
10	Evaluate vendors proposal as to the extent it addresses the minimum scope of services identified.		2.25													
11	Purpose and Scope of Project	3														
12	Pertinent Issues and Potential Problems	4														
13	Proposed Solution to Scope of Services	4														
14	Deliverables	4														
15																
16	Section III Methodology		15	15												
17	Description of Methodology	5														
18	Detail Task Description	3														
19	Description of Positions and Relationships	2														
20	Role of County	2														
21	Assessment Plan	3														

RFP VENDOR: CVS
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8	8													
25	Project Interface with the County	4	4													
26	Risk Management	3	3													
27																
28	Section V Qualifications & Experience	25	25							6.25						
29	Vendor Qualifications	10	10													
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interests)	15	15													
31																
32	Section VI Pricing	30	30									9.00				
33	Cost and Proposed Payment Schedule and Projections	30	30													

VENDOR'S WEIGHTED SCORE

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P		
Vendor Evaluation Form																		
Weight Factor / Max Weighted Pts																		
																Max Weighted Score	Total Points Weighted Score	
3																		
4	RFP Sections		Max Pts.	Total Points Awarded	(ID) Project Understand	(IID) Project Methodology	(IV) Project Management	(V) Qualifications & Experience	(VI) Pricing	Max Weighted Score	Total Points Weighted Score							
5			100	96	15.00	15.00	15.00	25.00	26.00	100.00	96.00							
6			Criteria Weight		0.15	0.15	0.15	0.25	0.30	100%	96.00							
7																		
8	Section II- Project Understanding		15	15													2.25	
9	Proposed Solution to Scope of Services																VENDOR'S WEIGHTED SCORE	
10	Evaluate vendors proposal as to the extent it address the minimum scope of services identified.																	
11	Purpose and Scope of Project		3															
12	Pertinent Issues and Potential Problems		4	4														
13	Proposed Solution to Scope of Services		4	4														
14	Deliverables		4	4														
15																		
16	Section III Methodology		15	15													2.25	
17	Description of Methodology		5	5													VENDOR'S WEIGHTED SCORE	
18	Detail Task Description		3	3														
19	Description of Positions and Relationships		2	2														
20	Role of County		2	2														
21	Assessment Plan		3	3														

RFP VENDOR: Optum Rx
EVALUATION MATRIX

Completed By: Dan Finlin (EBI)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
22																
23	Section IV Project Management	15	15						2.25							
24	Project Organization Structure, Control and Reporting	8		8												
25	Project Interface with the County	4		4												
26	Risk Management	3		3												
27																
28	Section V Qualifications & Experience	25		25						6.25						
29	Vendor Qualifications	10		10												
30	Prior Experience (This includes Project Personnel, Customer References, Contract Performance, Subcontractors, Conflict of Interest)	15		15												
31																
32	Section VI Pricing	30		26									7.80			
33	Cost and Proposed Payment Schedule and Projections	30		26												

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0261

Sponsored by: County Executive FitzGerald/Department of Information Technology	A Resolution making an award on RQ30784 to Pictometry International Corp. in the amount not-to-exceed \$1,378,626.27 for Geographical Information System data and software, aerial photography and related professional services for the period 9/1/2014 - 8/31/2018; authorizing the County Executive to execute the contract and all other documents consistent with said award and this Resolution; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the County Executive/Department of Information Technology recommending an award on RQ30784 to Pictometry International Corp. in the amount not-to-exceed \$1,378,626.27 for Geographical Information Systems data and software, aerial photography, and related professional services for the period 9/1/2014 – 8/31/2018; and

WHEREAS, the goals of this project are to provide: 1) various aerial photography; 2) Geographical Information Systems (GIS) data; 3) Geographical Information Systems (GIS) software; and 4) professional services to be used in the appraisal cycle of real property and for the County’s digital structure photo database; and

WHEREAS, this project is funded 100% by Real Estate Assessment 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 makes an award on RQ30784 to Pictometry International Corp. in the amount not-to-exceed \$1,378,626.27 for Geographical Information Systems data and software, aerial photography, and related professional services for the period 9/1/2014 – 8/31/2018.

SECTION 2. That the County Executive is authorized to execute the contract and all other documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County 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

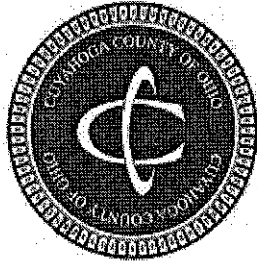
Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 20__



Item Details:

Agency/Dept. Name:	Information Services Center	Agency/Dept. Head Name:	Jeff Mowry
Type of Request:	Contract/Amendment		
Request Prepared by:	John Kable	Telephone No.	216-443-8043

SUMMARY OF REQUESTED ACTION:

Fiscal/DoIT requesting approval of a contract with Pictometry International Corporation in the amount not to exceed \$1,378,626.27. The anticipated start-completion dates are 11/01/2014-08/31/2018.

A. Pictometry will provide oblique aerial photography, overhead aerial orthophotography, GIS data, GIS software and professional services. Further detail provided within the contract.

B. Procurement was by RFP #30784

C. Pictometry International Corporation
100 Town Center Drive
Rochester, NY 14623
Council District N/A
Owner: Christopher Barrow

D. N/A

E. Real Estate Assessment Fund
FS109702

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

Explanation for late submittal:

Contract/Agreement Information:

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

Financial Information:

<p>Funding source: Other</p> <p>Explanation: Real Estate Assessment</p> <p>Total Amount Requested: \$1,378,626.27</p>
--

ATTACHMENTS:

Click to download

- [Pictometry Signed Contract](#)
- [Schedule A License Terms](#)
- [RFP 30784](#)
- [RFP Addendum 1](#)
- [RFP 30784 Bid Tab](#)
- [Pictometry Proposal](#)
- [Notice of Intent to Negotiate Letter](#)
- [W9](#)
- [Auditor Findings](#)
- [Certificate of Insurance](#)
- [Secretary of State](#)
- [Unanimous Written Consent of Directors - PIC Officers](#)
- [Pictometry Board Letter- Officer Confirmation](#)
- [SBE Contractor Participation Plan](#)
- [TAC Approval](#)
- [Workers Comp Certificate](#)
- [Vendors Compliance Form](#)
- [Non-Collusion Affidavit](#)
- [Department Acknowledgement Form](#)
- [Good faith effort certification](#)
- [Ownership Form](#)
- [Contract Cover](#)
- [Requisition](#)

History

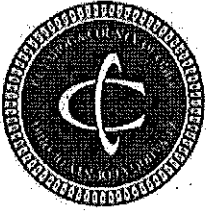
Time

Who

Office of Procurement & Diversity

Approval

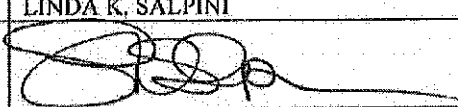




Principal Owner Form

(Required Document for Award Recommendations/Purchases)

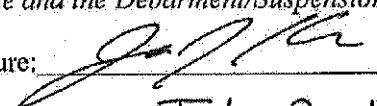
VENDOR: Please complete the following information and return it to the Cuyahoga County "Requestor"

Company Name (Legal name of the business):	PICTOMETRY INTERNATIONAL CORP.
Principal Owner's Name (The legal name of the owner/s of the business):	CHRISTOPHER BARROW
Owner/Officer's Title:	CEO/President
Business Address:	100 TOWN CENTRE ROAD, ROCHESTER, NY 14623
Phone Number:	585-486-0093
Name of Person Completing Form:	LINDA K. SALPINI
Signature:	
Title:	SENIOR VP, FINANCE

If there is more than one (1) principal owner, please complete information for that / those person(s) as well. If a corporation, please identify the CEO, President or other officers of the Corporation representing shareholders.

CUYAHOGA COUNTY STAFF:

I certify that I have checked the Debarment/Suspension lists on the Cuyahoga County Inspector General's website and the Debarment/Suspension lists did not contain the above detailed vendor and/or principal owner.

Signature:  Date: 9-30-14

Printed Name: John S. Kish

Inspector General "Registered Contractor" Number: 12-4222

Cuyahoga County
(Principal Owner Form, 02-05-14)

Date sent to Dept: 6/19/14 JLabbe
 Date Received from Dept: _____
 (OPD Use Only)



**CUYAHOGA COUNTY
 TABULATION OF PROPOSALS RECEIVED**

DEPARTMENT NAME: Department of Information Technology

PROPOSAL DUE DATE: June 18, 2014

Number of Proposals Sent/Returned: 24 / 4

RFP TITLE: GIS Oblique Imagery Data and Services

RFP #: IS - 14 - 30784 **SBE:** 20%

TO BE COMPLETED BY OPD		TO BE COMPLETED BY SBE CONTRACT COMPLIANCE OFFICER					USER DEPT.
VENDOR NAME & ADDRESS	IG/ETHICS REGISTRATION COMPLETE	SBE SUBCONTRACTOR NAME AMOUNT & PERCENTAGE	SBE PRIME %	TOTAL SBE %	COMPLY Y/N	COMMENTS & INITIALS	AWARD Y/N
ControlCam, LLC 855-1 Saint Johns Bluff Road N Jacksonville FL 32225 DL 6/18/14	IG#14-0181 PH ✓ NCA ✓ MCF ✓ Coop ✓ (No) Debar: No Susp: No		N	0%	N	Did not submit the required documents AWB 6/19/14	N
Fugro Geospatial, Inc. 7320 Executive Way Frederick Maryland 21704 DL 6/18/14	IG# N/A PH ✓ NCA ✓ MCF ✓ Coop ✓ (Yes) Debar: No Susp: No		N	0%	N	AWB requested a full waiver stating they are capable with an only opportunity of ground control AWB 6/19/14	N
Kucera International Inc 38133 Western Parkway Willoughby, Ohio 44094 DL 6/18/14	IG#12-1696 PH ✓ NCA ✓ MCF ✓ Coop ✓ (Yes) Debar: No Susp: No	The C.W. Company 15% Demposy Surveying 8.5%	N	23.5%	Y	AWB 6/19/14 AWB 6/19/14	N
Pictometry International Corp 100 Town Centre Drive Rochester NY 14623 DL 6/18/14	IG#12-4222 PH ✓ NCA ✓ MCF ✓ Coop ✓ (Yes) Debar: No Susp: No	Demposy Surveying 4.9% #	N	4.9%	N	Note Offering SBE: P Pict: on is also seen Also requesting a partial waiver irregardless to optimal AWB 6/19/14 AWB 6/19/14	Y

Department Director Signature of Approval: J. Labbe Date: 6/19/14

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0262

<p>Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Division of Community Initiatives/Family and Children First Council</p>	<p>A Resolution authorizing an amendment to Agreement No. AG1200285-01 with Educational Service Center of Cuyahoga County for fiscal agent services for the Families and Schools Together Program in connection with the Ohio Children’s Trust Fund FY2013 Grant Program for the period 7/1/2012 - 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$614,036.00; 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 Health and Human Services/Division of Community Initiatives/Family and Children First Council has recommended an amendment to Agreement No. AG1200285-01 with Educational Service Center of Cuyahoga County for fiscal agent services for the Families and Schools Together Program in connection with the Ohio Children’s Trust Fund FY2013 Grant Program for the period 7/1/2012 – 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$614,036.00; and

WHEREAS, the primary goals of the project are to: a) build protective factors of families, b) help reduce the probability of child abuse and neglect in our community, and c) provide parent advocacy services to the county, schools, and community based programs related to Family and Children First Council; and

WHEREAS, this project is funded 51% from State Fund, 22% from the Health and Human Service Fund, 5% from TANF funds, and 3% Federal 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 approves an amendment to Agreement No. AG1200285-01 with Educational Service Center of

Cuyahoga County for fiscal agent services for the Families and Schools Together Program in connection with the Ohio Children’s Trust Fund FY2013 Grant Program for the period 7/1/2012 – 9/30/2014 to extend the time period to 9/30/2015 and for additional funds in the amount not-to-exceed \$614,036.00.

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

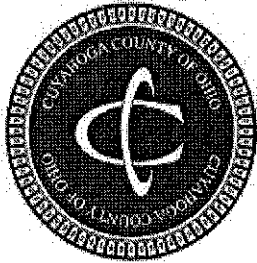
Date

Clerk of Council

Date

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

Journal _____
_____, 20__



6

Item Details:

Agency/Dept. Name:	Administrator's Office/Family and Children First Council	Agency/Dept. Head Name:	Robin R. Martin
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Type of Request: Agreement/Amendment

Request Prepared by:	Kathleen Johnson	Telephone No.	(216)689-2871
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SUMMARY OF REQUESTED ACTION:

Submitting an amendment to Contract No. AG 1200285 with Educational Service Center of Cuyahoga County for fiscal management of Ohio Children's Trust Fund to extend the time period to 7/1/2012-9/30/2015 and for additional funds in the amount of **\$614,036.00**.

I. Novus Agenda Summary of Requested Action

Educational Service Center of Cuyahoga County Interagency Amendmen tAgreement SFY2015

A. Scope of Work Summary

1. Family and Children First Council requesting approval of an interagency agreement amendment with Educational Service Center of Cuyahoga County for an additional cost of \$603,036.00 for an amount not to exceed \$2,010,896.00. The anticipated start-completion dates are an extended time of 09/30/2014-9/30/2015).

2. The primary goals of the project are

- a. Build protective factors of families.
- b. Help reduce the probability of of child abuse and neglect in our community.
- c. Provide parent advocacy services to the county, schools and community based programs related to Family and Children First Council.

B. Procurement

1. The procurement method for this project is RFP. The total value of the RFP is \$692,930.00 for the first year. RFP stated second year funding would be based on budget.

2. The RFP was closed on 10/19/2012.
3. There was one bid pulled from OPD, one bid submitted for review, one bid approved.

C. Contractor and Project Information

1. The address of all the vendors and/or contractors is:
Educational Service Center of Cuyahoga County
6393 Oak Tree Blvd, Suite 300
Independence, OH 44131
All council districts
 2. The superintendent for the contractor/vendor is Dr. Robert Mengerink.
 - 3b. The project is located in all council districts.
- D. Project Status and Planning
1. The project reoccurs annually.
 2. The project has one phase. The next steps, dates and anticipated cost of these are
 - a. Services to families are scheduled to begin for Parents as Teachers in July 2012 and end in June 2015. Services for Families and Schools Together will begin in January 2013 and will end September 30, 2015. A RFP process for Parent Advocacy and Leadership Training will begin in Jaunuary 2014. Services are scheduled to begin March 2015.
 3. The project is on a critical action path because the state award letter was received in June 2014 for partial funding. The full funding allocation was released August 30, 2014. The award letter is needed to ensure funding is available to provide services.
 4. NA
 5. The contract needs a signature in ink by October 31, 2014.

E. Funding

1. The project is funded 51% State Funds, 22% HHS Fund, 24% TANF, 3% Fed
2. The schedule of payments is every six months for FAST and monthly for other programs.
3. NA

PURPOSE/OUTCOMES - PRINCIPAL OWNER(S):

The list of programs include Families and Schools Together (FAST), Parents as Teachers (Bright Beginnings), and the Parent Leadership and Advocacy Coalition Training and Management. The programs are funded by TANF, the Ohio Children's Trust Fund, Defending Childhood, and the Health and Human Services Levy. All programs are evidence-based and include an evaluation. The selected vendor will serve as the fiscal agent and FCFC will provide programmatic oversight.

Explanation for late submittal:

Full grant award not received until August 30, 2014. Contract amendment agreement

negotiations.

Contract/Agreement Information:

Procurement Method:
RFP (Request for Proposal)

Explanation for Increase/Decrease in \$ Amount for current request:
Funding received from Defending Childhood to add another FAST site

Financial Information:

Funding source: **Explanation:**
Other 51% State Fund, 22% HHS Fund, 5% TANF, 3% Fed

Total Amount Requested:
\$2,010,896.00

ATTACHMENTS:

Click to download

- [ESC History](#)
- [ESC Auditor Finding](#)
- [ESC Principal Owner Form](#)
- [ESC W 9](#)
- [ESC Justification](#)
- [ESC Justification 2](#)
- [ESC Justification](#)
- [Department Acknowledgement Form](#)
- [OCTF Cuyahoga County Allocation Letter](#)
- [Agreement Amendment \(TAB\)](#)
- [Amendment Cover \(TAB\)](#)
- [Original Agreement](#)
- [Revised Contract Evaluation](#)

History

Time

Who

Office of Procurement & Diversity

Approval



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

Contractor: Educational Service Center of Cuyahoga County

Contract/Agreement No.: AG1200285-01 **Time Period:** 07/01/2012-09/30/2014

Service Description: The Ohio Children's Trust Fund dedicates funds for prevention programs of child abuse and neglect within families. The programs must use protective factors to reduce risk factors using primary and secondary prevention, evidence based models.

Original Contract/Agreement Amount: \$692,930.00

Prior Amendment(s) Amount(s): \$714,930.00

Performance Indicators: The goal of increasing protective factors will be reached by strengthening parent resilience and social connectedness, increase knowledge of parent and child development, concrete support in time of need, and children's social and emotional development. The program vendors estimated they would serve 650 children and 600 families.

Actual performance versus performance indicators (include statistics): The program vendors collectively served a total of 916 children and 751 families.

Rating of Overall Performance of Contractor (Check One):

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

Justification of Rating: The Educational Service Center was able to use these dollars to successfully increase the targeted protective factors through the chosen program vendors.

Kathleen Johnson

August 25, 2014

User Department

Date

s: evaluation



Principal Owner Form

(Required Document for Award Recommendations/Purchases)

VENDOR: Please complete the following information and return it to the Cuyahoga County "Requestor"

Company Name (Legal name of the business):	Educational Service Center of Cuyahoga County
Principal Owner's Name (The legal name of the owner/s of the business):	Dr. Robert Mengerink
Owner/Officer's Title:	Supertintendent
Business Address:	6393 Oak Tree Blvd Suite 300, Independence, Ohio 44131
Phone Number:	(216)524-3000
Name of Person Completing Form:	Kathleen Johnson
Signature:	
Title:	Operations Manager, FCPC

If there is more than one (1) principal owner, please complete information for that / those person(s) as well. If a corporation, please identify the CEO, President or other officers of the Corporation representing shareholders.

CUYAHOGA COUNTY STAFF:

I certify that I have checked the Debarment/Suspension lists on the Cuyahoga County Inspector General's website and the Debarment/Suspension lists did not contain the above detailed vendor and/or principal owner.

Signature:

Date: 9/9/14

Printed Name: Kathleen Johnson

Inspector General "Registered Contractor" Number: 12-1185

Cuyahoga County
(Principal Owner Form, 02-05-14)

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0242

Sponsored by: County Executive FitzGerald/Department of Public Works/Division of County Engineer	A Resolution authorizing a revenue generating Utility Agreement with Village of Oakwood for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 18; 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 Village of Oakwood for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 18; and

WHEREAS, the Village of Oakwood desires to retain Cuyahoga County to perform certain services for the Village of Oakwood to aid with the maintenance and repair of sanitary sewers, storm sewers and water lines located in Sewer District No. 18; 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 Village of Oakwood's 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 Village of Oakwood for maintenance and repair of storm sewers, sanitary sewers and water lines located in County Sewer District No. 18.

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.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0243

<p>Sponsored by: County Executive FitzGerald/Department of Development</p>	<p>A Resolution authorizing an Economic Development Collateral Enhancement in the amount not-to-exceed \$5,000,000.00 for the benefit of Schofield Properties, LLC for renovation and redevelopment of the historic Schofield Building, located at 2000 East 9th Street, Cleveland; authorizing the Deputy Chief of Staff of Development or Director of Development to execute all documents consistent with said collateral enhancement and this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Development recommends an Economic Development Collateral Enhancement in the amount not-to-exceed \$5,000,000.00 for the benefit of Schofield Properties, LLC for renovation and redevelopment of the historic Schofield Building, located at 2000 East 9th Street, Cleveland; and

WHEREAS, the primary goal of this project is to assist in obtaining financing for the renovation and redevelopment of the historic Schofield Building located at 2000 East 9th Street, Cleveland, in Council District 7; and

WHEREAS, the collateral enhancement was considered and recommended for approval by the Cuyahoga County Community Improvement Corporation (CCCIC) on 9/10/2014; and

WHEREAS, this project is funded 100% by the Cuyahoga County Western Reserve 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 Economic Development Collateral Enhancement in the amount not-to-exceed \$5,000,000.00 for the benefit of Schofield Properties, LLC for renovation and

First Reading/Referred to Committee: October 14, 2014
Committee(s) Assigned: Economic Development & Planning

Journal CC016
October 28, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0244

Sponsored by: County Executive FitzGerald/Department of Human Resources	A Resolution authorizing an agreement with City of Chardon for participation in the Cuyahoga County Benefits Regionalization Program for the period 3/1/2014 - 12/31/2016; 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 Human Resources has submitted an agreement with the City of Chardon for participation in the Cuyahoga County Benefits Regionalization Program for the period 3/1/2014 – 12/31/2016; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue; and

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

SECTION 1. That the Cuyahoga County Council hereby authorizes an agreement with the City of Chardon for participation in the Cuyahoga County Benefits Regionalization Program for the period 3/1/2014 – 12/31/2016.

SECTION 2. That the County Executive is authorized to execute an agreement of cooperation with the City of Chardon 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: October 14, 2014

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal CC016
October 28, 2014

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0245

Sponsored by: County Executive FitzGerald/Department of Human Resources	A Resolution authorizing an agreement with City of Cleveland Heights for participation in the Cuyahoga County Benefits Regionalization Program for the period 9/1/2014 - 12/31/2016; 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 Human Resources has submitted an agreement with the City of Cleveland Heights for participation in the Cuyahoga County Benefits Regionalization Program for the period 9/1/2014 – 12/31/2016; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue; and

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

SECTION 1. That the Cuyahoga County Council hereby authorizes an agreement with the City of Cleveland Heights for participation in the Cuyahoga County Benefits Regionalization Program for the period 9/1/2014 – 12/31/2016.

SECTION 2. That the County Executive is authorized to execute an agreement with the City of Cleveland Heights 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.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0246

Sponsored by: County Executive FitzGerald/Medical Examiner	A Resolution authorizing a revenue generating agreement with City of Cleveland in the amount of \$2,033,333.00 for Crime Lab testing services for the period 11/1/2014 - 12/31/2025; 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/Medical Examiner recommends approval of a revenue generating agreement with City of Cleveland in the amount of \$2,033,333.00 for Crime Lab testing services for the period 11/1/2014 - 12/31/2025; and

WHEREAS, the primary goal of the agreement with the City of Cleveland is to provide scientific testing services to be utilized by law enforcement; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by the County can continue.

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

SECTION 1. That the Cuyahoga County Council hereby approves a revenue generating agreement with City of Cleveland in the amount of \$2,033,333.00 for Crime Lab testing services for the period 11/1/2014 - 12/31/2025.

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. 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.

County Council of Cuyahoga County, Ohio

Resolution No. R2014-0234

<p>Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Division of Children and Family Services and Councilmember Miller</p>	<p>A Resolution authorizing a Pay for Success contract with Mental Health Services for Homeless Persons, Inc. dba Frontline Service and Cuyahoga PFS, LLC in the amount not-to-exceed \$5,000,000.00 for an intervention program that provides various services addressing basic needs, housing placement, trauma therapy and family reunification services to children in foster care and homeless families of children in foster care for the period 1/1/2015 - 12/15/2020; 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.</p>
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WHEREAS, on July 22, 2014, Cuyahoga County Council enacted Ordinance No. O2014-0018, which authorized the County to enter into Pay For Success contracts and created the “Social Impact Financing Fund” to be held on the books of the County to be administered by the County’s Fiscal Office and be used to make payments under the Pay For Success contracts; and

WHEREAS, the County Executive/Department of Health and Human Services/Division of Children and Family Services has submitted a Pay For Success contract with Mental Health Services for Homeless Persons, Inc. dba Frontline Service and Cuyahoga PFS, LLC for an intervention program that provides various services addressing basic needs, housing placement, trauma therapy and family reunification services for children in foster care and homeless families of children in foster care for the period 1/1/2015 - 12/15/2020; and

WHEREAS, the Pay For Success contract provides a mechanism to bring financial support from the private and non-profit sectors to innovative social programs with the goal of better social outcomes for the targeted populations, and savings to the County through a reduction in the amount of expenses tied to the targeted populations; and

WHEREAS, the County agrees to appropriate \$1,000,000.00 each year of the Pay for Success contract to be deposited in the Social Impact Financing Fund and to make success payments according to the terms of the Pay for Success contract; and

WHEREAS, the County shall make success payments in an amount not-to-exceed \$5,000,000.00 only in the event the intervention program contemplated under the Pay For Success contract results in the reduction of the length of stay of children in foster care within the target population, as determined by an independent evaluator, and according to the terms of the Pay For Success contract; 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 authorizes a Pay for Success contract with Mental Health Services for Homeless Persons, Inc. dba Frontline Service and Cuyahoga PFS, LLC in the amount not-to-exceed \$5,000,000.00 for an intervention program that provides various services addressing basic needs, housing placement, trauma therapy and family reunification services to children in foster care and homeless families of children in foster care for the period 1/1/2015 - 12/15/2020.

SECTION 2. That the County Executive is authorized to execute the contract and all other documents consistent with this Resolution.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County 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: September 23, 2014

Committee(s) Assigned: Health, Human Services & Aging

Committee Report/Second Reading: October 14, 2014

Journal CC016
October 28, 2014

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0014

Sponsored by: County Executive FitzGerald/Department of Development and Councilmembers Jones, Connally, Brady, Simon, Hairston, Conwell and Miller	An Ordinance establishing the Cuyahoga County Property Demolition Program, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, vacant and abandoned properties pose a threat to citizens' safety, contribute to an environment that fosters crime, slow community development, depress neighboring property values, and accelerate residential flight;

WHEREAS, numerous studies across the nation, state, and county demonstrate that eradication of vacant and abandoned properties and conditions leading to such blighted properties lift property values in moderate and strong market areas;

WHEREAS, it is necessary to use the County's bonding capacity to fund a comprehensive effort to demolish unsalvageable properties countywide and eradicate the conditions leading to blight to buttress existing community and economic development efforts, accelerate property value growth and to protect and restore neighborhoods;

WHEREAS, strategic demolition in bulk and eradication of the conditions leading to blight is in the interest of public safety, blight removal, property value stabilization, fiscal responsibility, and long term economic development; and

WHEREAS, the Council intends that the County adopt a comprehensive housing policy and redevelopment strategy to promote a healthy housing market environment in Cuyahoga County; and

WHEREAS, strategic demolition of blighted properties in bulk is a necessary initial step towards the creation of a comprehensive County housing policy and redevelopment strategy; and

WHEREAS, the Council intends to appropriate \$50,000,000.00 for the purpose of enabling strategic demolition of the aforementioned properties; 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 the County departments.

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

SECTION 1. The County Council hereby finds and determines that:

- A. Vacant, abandoned, and nuisance or blighted property detrimental to the public health, safety, and welfare exists within municipalities and townships within Cuyahoga County;
- B. The existence of such vacant, abandoned, and nuisance or blighted property or such conditions leading to such property is a public impediment to maintaining public health, public safety, and a stable local economy of Cuyahoga County;
- C. There is a continuing need for programs to prevent, alleviate, and eliminate conditions of vacant, abandoned, and nuisance or blighted property to stabilize the local economy and promote the revitalization of the local economy in Cuyahoga County;
- D. It is necessary for the County Council to provide the means, methods, and programs to address the elimination of vacant, abandoned, and nuisance or blighted property in the municipalities and townships of the County to promote the continuing health, safety, and welfare of the County and its residents and the public in general; and
- E. The adoption of this Ordinance by the Council to eradicate vacant, abandoned, and nuisance or blighted property and to prevent, alleviate, and eliminate conditions leading to such property within Cuyahoga County constitutes the performance of essential public purposes and functions compatible with the purpose, existence and mission of the County Council.

SECTION 2. Chapter 807 of the Cuyahoga County Code is hereby enacted as follows:

Chapter 807: Property Demolition Program

Section 807.01 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- A. “Applicant” shall mean a municipal corporation or township located within Cuyahoga County. Applicants may apply to the property demolition program directly or via an authorized agent.

- B. "Property Demolition Fund" shall mean the fund established by the County under Section 807.02.
- C. "Property Demolition Grant Program" shall mean the program established pursuant to Section 807.03 to demolish vacant, abandoned, and nuisance or blighted structures in Cuyahoga County.
- D. "Land Bank" shall mean the Cuyahoga County Land Reutilization Corporation, a nonprofit community improvement corporation duly organized pursuant to Chapter 1724 of the Ohio Revised Code.
- E. "Round" shall mean each application round of the property demolition grant program administered by the Department of Development.

Section 807.02 Property Demolition Fund

- A. For the preservation of public peace, health, safety, and welfare in the County, there is hereby created the Cuyahoga County Property Demolition Fund pursuant to the County's police powers to abate nuisance and blighted properties, which shall fund demolition programs to be administered by the County Executive through the Department of Development.
- B. The property demolition fund may be used county-wide for demolition projects with end users both known and unknown, and post-demolition dispositions ranging from buy-hold-and-maintain strategies to site assembly for strategic development and construction.
- C. No portion of the property demolition fund or of any grant or other allocation from such fund shall be used to pay the costs of applying for a grant for, or administration of, a demolition project; provided however that an applicant may use not more than two percent (2%) of any grant awarded pursuant to Section 807.03 to engage the Land Bank to act as the applicant's agent in administering approved demolition projects.
- D. The County shall make three one-time allocations of up to \$3,000,000 each to the Land Bank from the property demolition fund for demolition projects of vacant, abandoned, and nuisance or blighted properties owned by the Land Bank. Such allocations shall be made to the Land Bank without the need to submit an application as described in Section 807.03 below. Individual demolition projects effectuated pursuant to this paragraph shall be subject to the approval of the Director of Development. Each allocation shall be made once per year commencing in 2015. Allocated funds shall be subject to the use restrictions provided in this Section, including but not limited to, the prohibition on use of

funds for administrative costs.

Section 807.03 Property Demolition Grant Program

- A. The Department of Development shall establish and administer a non-competitive, multiple-round grant application program for the purpose of issuing grants payable from the property demolition fund to demolish vacant, abandoned, and nuisance or blighted structures within Cuyahoga County.
- B. The Department of Development, in consultation with the Land Bank, shall establish eligibility criteria to evaluate applications received in each round of the program. The eligibility criteria shall be established to evaluate the following factors, exclusively:
 - 1. Whether the applicant has sufficiently identified a target area, neighborhood typological priorities, or spot demolition site(s) containing a demonstrable need for demolition;
 - 2. Whether the structures identified by the applicant for demolition have been certified as vacant, abandoned, and nuisance or blighted;
 - 3. Whether the applicant has identified a plan for redevelopment or maintenance of the property or properties;
 - 4. Whether the applicant has sufficient capacity to administer the demolition, or intends to engage an agent such as the Land Bank to administer demolition on its behalf; and
 - 5. Whether the applicant has committed and is able to exercise the necessary police powers or has identified alternative legal authority to enable demolition of the identified structure or structures.
 - 6. Whether the actions proposed in the application are designed to assist in carrying out a plan developed by the applicant to improve housing quality or strengthen the housing market in the applicant's municipality.

The Department of Development may, in consultation with the Land Bank, revise the evaluation criteria following each round of the program; provided, however that the revised criteria shall continue to meet the requirements of this Section.

- C. Each applicant may qualify to receive an award under the property demolition grant program upon submitting an application that meets the criteria of such program. The determination of the Department of Development as to whether an application meets the criteria shall be final. No individual grant shall exceed \$1,000,000.00 in the first application round. The Department of Development may increase or decrease the maximum grant amount in subsequent rounds; provided however that no individual grant shall exceed \$2,000,000.00 in any round. Not more than \$100,000.00 shall be awarded for the demolition of any individual structure.

- D. Each grant made pursuant to this Section shall be subject to a grant agreement, which shall include the following commitments:
 - 1. A commitment from the applicant to take all legal actions necessary to enable demolition of the approved structures, including use of police power for condemnation;
 - 2. A commitment from the applicant to abide by minimum demolition and property maintenance standards established by the Department of Development;
 - 3. A commitment from the applicant to place a lien on all blighted or nuisance-abated properties on which demolition will occur, except for those properties owned by the Land Bank or the applicant.
 - 4. A commitment from the applicant to competitively bid all demolition contracts funded in whole or in part by the Property Demolition Program.
 - 5. A commitment to take, or refrain from taking, any action that may adversely affect the tax-exempt status of any bonds issued by the County to fund the property demolition program.

- E. An applicant that has received an award under the property demolition program must have satisfactorily fulfilled its obligations under its ongoing grant agreements in order to be eligible to receive a grant in a subsequent round, including having taken all legal actions necessary to enable demolition of not less than eighty percent (80%) of the structures previously approved for demolition.

- F. All contracts and agreements awarded pursuant to this Section shall be reviewed and approved by the Board of Control unless otherwise referred or transferred to Council for approval in accordance with Chapter 501 of the Cuyahoga County Code.

- G. The County Executive or his authorized designee may take all actions and execute all documents, contracts, amendments, and agreements between Cuyahoga County and the Land Bank as may be necessary to carry out the duties set forth in this Chapter.

Section 807.04 Reporting Requirements

- A. The Department of Development shall create and maintain an up-to-date listing of information about all projects proposed for demolition under the property demolition program, including the following:
 - 1. A list of all parcels and structures requested for demolition through grant applications and as approved pursuant to Section 807.02(D);
 - 2. A list of all parcels and structures approved for demolition by the County;
 - 3. The demolition status of individual properties slated for demolition using the property demolition fund;
 - 4. The progress of applicants' demolition activity for each awarded program grant; and
 - 5. A list of the status of liens related to the nuisance-abated properties.
- B. The Department of Development shall issue a report to Council following each round of applications, not less frequently than once per year, which shall include the listing specified in paragraph (A), a list of all applicants in each round, a list of properties approved for demolition in each round, a list of properties demolished in each round, the grant amounts awarded to each applicant in each round, a notification of revisions to the eligibility criteria established pursuant to Section 807.03(B), and any other information as may be requested by members of Council.
- C. The Land Bank shall bi-annually prepare and issue a report to Council and the Director of Development, which shall include a list of all demolitions of structures owned by the Land Bank which are funded, in whole or in part, by the property demolition fund. The Land Bank shall further provide any information as may be requested by members of Council or the Director of Development.

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

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 22, 2014

Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: October 14, 2014

Journal 0016
October 28, 2014

**[PROPOSED SUBSTITUTE SPONSORED BY
COUNCILMEMBER GREENSPAN]**

County Council of Cuyahoga County, Ohio

Ordinance No. O2014-0014

Sponsored by: County Executive FitzGerald/Department of Development and Councilmembers Jones, Connally, Brady, Simon, Hairston, Conwell and Miller	An Ordinance establishing the Cuyahoga County Property Demolition Program, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, vacant and abandoned properties pose a threat to citizens' safety, contribute to an environment that fosters crime, slow community development, depress neighboring property values, and accelerate residential flight;

WHEREAS, numerous studies across the nation, state, and county demonstrate that eradication of vacant and abandoned properties and conditions leading to such blighted properties lift property values in moderate and strong market areas;

WHEREAS, it is necessary to use the County's bonding capacity to fund a comprehensive effort to demolish unsalvageable properties countywide and eradicate the conditions leading to blight to buttress existing community and economic development efforts, accelerate property value growth and to protect and restore neighborhoods;

WHEREAS, strategic demolition in bulk and eradication of the conditions leading to blight is in the interest of public safety, blight removal, property value stabilization, fiscal responsibility, and long term economic development; and

WHEREAS, the Council intends that the County adopt a comprehensive housing policy and redevelopment strategy to promote a healthy housing market environment in Cuyahoga County; and

WHEREAS, strategic demolition of blighted properties in bulk is a necessary initial step towards the creation of a comprehensive County housing policy and redevelopment strategy; and

WHEREAS, the Council intends to appropriate \$50,000,000.00 for the purpose of enabling strategic demolition of the aforementioned properties; 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 the County departments.

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

SECTION 1. The County Council hereby finds and determines that:

- A. Vacant, abandoned, and nuisance or blighted property detrimental to the public health, safety, and welfare exists within municipalities and townships within Cuyahoga County;
- B. The existence of such vacant, abandoned, and nuisance or blighted property or such conditions leading to such property is a public impediment to maintaining public health, public safety, and a stable local economy of Cuyahoga County;
- C. There is a continuing need for programs to prevent, alleviate, and eliminate conditions of vacant, abandoned, and nuisance or blighted property to stabilize the local economy and promote the revitalization of the local economy in Cuyahoga County;
- D. It is necessary for the County Council to provide the means, methods, and programs to address the elimination of vacant, abandoned, and nuisance or blighted property in the municipalities and townships of the County to promote the continuing health, safety, and welfare of the County and its residents and the public in general; and
- E. The adoption of this Ordinance by the Council to eradicate vacant, abandoned, and nuisance or blighted property and to prevent, alleviate, and eliminate conditions leading to such property within Cuyahoga County constitutes the performance of essential public purposes and functions compatible with the purpose, existence and mission of the County Council.

SECTION 2. Chapter 807 of the Cuyahoga County Code is hereby enacted as follows:

Chapter 807: Property Demolition Program

Section 807.01 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- A. “Applicant” shall mean a municipal corporation or township located within Cuyahoga County. Applicants may apply to the property demolition program directly or via an authorized agent.
- B. “Property Demolition Fund” shall mean the fund established by the County under Section 807.02.
- C. “Property Demolition ~~Grant~~ Program” shall mean the program established pursuant to Section 807.03 to demolish vacant, abandoned, and nuisance or blighted structures in Cuyahoga County.
- D. “Land Bank” shall mean the Cuyahoga County Land Reutilization Corporation, a nonprofit community improvement corporation duly organized pursuant to Chapter 1724 of the Ohio Revised Code.
- E. “Round” shall mean each application round of the property demolition ~~grant~~ program administered by the Department of Development.

Section 807.02 Property Demolition Fund

- A. For the preservation of public peace, health, safety, and welfare in the County, there is hereby created the Cuyahoga County Property Demolition Fund pursuant to the County’s police powers to abate nuisance and blighted properties, which shall fund demolition programs to be administered by the County Executive through the Department of Development.
- B. The property demolition fund may be used county-wide for demolition projects with end users both known and unknown, and post-demolition dispositions ranging from buy-hold-and-maintain strategies to site assembly for strategic development and construction.
- C. No portion of the property demolition fund or of any grant, loan, or other allocation from such fund shall be used to pay the costs of applying for a grant or loan for, or administration of, a demolition project; provided however that an applicant may use not more than two percent (2%) of any grant or loan awarded pursuant to Section 807.03 to engage the Land Bank to act as the applicant’s agent in administering approved demolition projects.
- D. The County shall make three one-time allocations of up to \$3,000,000 each to the Land Bank from the property demolition fund for demolition projects of vacant, abandoned, and nuisance or blighted properties owned by the Land Bank. Such allocations shall be made to the Land

Bank without the need to submit an application as described in Section 807.03 below. Individual demolition projects effectuated pursuant to this paragraph shall be subject to the approval of the Director of Development. Each allocation shall be made once per year commencing in 2015. Allocated funds shall be subject to the use restrictions provided in this Section, including but not limited to, the prohibition on use of funds for administrative costs.

Section 807.03 Property Demolition ~~Grant~~ Program

- A. The Department of Development shall establish and administer a non-competitive, multiple-round ~~grant~~ application program for the purpose of issuing grants ~~and loans~~ payable from the property demolition fund to demolish vacant, abandoned, and nuisance or blighted structures within Cuyahoga County.

- B. The Department of Development, in consultation with the Land Bank, shall establish eligibility criteria to evaluate applications received in each round of the program. The eligibility criteria shall be established to evaluate the following factors, exclusively:
 - i. Whether the applicant has sufficiently identified a target area, neighborhood typological priorities, or spot demolition site(s) containing a demonstrable need for demolition;
 - ii. Whether the structures identified by the applicant for demolition have been certified as vacant, abandoned, and nuisance or blighted;
 - iii. Whether the applicant has identified a plan for redevelopment or maintenance of the property or properties;
 - iv. Whether the applicant has sufficient capacity to administer the demolition, or intends to engage an agent such as the Land Bank to administer demolition on its behalf; and
 - v. Whether the applicant has committed and is able to exercise the necessary police powers or has identified alternative legal authority to enable demolition of the identified structure or structures.
 - vi. Whether the actions proposed in the application are designed to assist in carrying out a plan developed by the applicant to improve housing quality or strengthen the housing market in the applicant's municipality.

The Department of Development may, in consultation with the Land Bank, revise the evaluation criteria following each round of the program; provided, however that the revised criteria shall continue to meet the requirements of this Section.

- C. Each applicant may qualify to receive ~~an award~~ grant or loan under the property demolition ~~grant~~ program upon submitting an application that meets the criteria of such program. Each applicant may apply for a grant, a loan, or a combination thereof. The determination of the Department of Development as to whether an application meets the criteria shall be final. No individual grant or loan shall exceed \$1,000,000.00 in the first application round. The Department of Development may increase or decrease the maximum ~~grant award~~ amount in subsequent rounds; provided however that no individual grant or loan shall exceed \$2,000,000.00 in any round. Not more than \$100,000.00 shall be awarded for the demolition of any individual structure.

- D. Each grant or loan made pursuant to this Section shall be subject to a grant or loan agreement, which shall include the following commitments:
 - i. A commitment from the applicant to take all legal actions necessary to enable demolition of the approved structures, including use of police power for condemnation;
 - ii. A commitment from the applicant to abide by minimum demolition and property maintenance standards established by the Department of Development;
 - iii. A commitment from the applicant to place a lien on all blighted or nuisance-abated properties on which demolition will occur, except for those properties owned by the Land Bank or the applicant.
 - iv. A commitment from the applicant to competitively bid all demolition contracts funded in whole or in part by the ~~P~~property ~~D~~demolition ~~P~~program.
 - v. A commitment to take, or refrain from taking, any action that may adversely affect the tax-exempt status of any bonds issued by the County to fund the property demolition program.

- E. An applicant that has received an award under the property demolition program must have satisfactorily fulfilled its obligations under its ongoing grant or loan agreements in order to be eligible to receive a

grant or loan in a subsequent round, including having taken all legal actions necessary to enable demolition of not less than eighty percent (80%) of the structures previously approved for demolition.

F. All contracts and agreements awarded pursuant to this Section shall be reviewed and approved by the Board of Control unless otherwise referred or transferred to Council for approval in accordance with Chapter 501 of the Cuyahoga County Code.

G. The County Executive or his authorized designee may take all actions and execute all documents, contracts, amendments, and agreements between Cuyahoga County and the Land Bank as may be necessary to carry out the duties set forth in this Chapter.

~~G.H.~~ Any applicant receiving a loan pursuant to this Section shall commit to reimburse the County for the principal amount of the loan, and shall not be required to pay interest. Each applicant, upon fully retiring the principal amount of a loan, shall be eligible to receive a grant equal to 50% of the principal amount of the applicant's original loan. Such grants shall be awarded according to the procedures and subject to the conditions provided in this Section.

Section 807.04 Reporting Requirements

A. The Department of Development shall create and maintain an up-to-date listing of information about all projects proposed for demolition under the property demolition program, including the following:

1. A list of all parcels and structures requested for demolition through ~~grant~~ applications and as approved pursuant to Section 807.02(D);
2. A list of all parcels and structures approved for demolition by the County;
3. The demolition status of individual properties slated for demolition using the property demolition fund;
4. The progress of applicants' demolition activity for each awarded program grant and loan; and
5. A list of the status of liens related to the nuisance-abated properties.

- B. The Department of Development shall issue a report to Council following each round of applications, not less frequently than once per year, which shall include the listing specified in paragraph (A), a list of all applicants in each round, a list of properties approved for demolition in each round, a list of properties demolished in each round, the grant and loan amounts awarded to each applicant in each round, a notification of revisions to the eligibility criteria established pursuant to Section 807.03(B), and any other information as may be requested by members of Council.

- C. The Land Bank shall bi-annually prepare and issue a report to Council and the Director of Development, which shall include a list of all demolitions of structures owned by the Land Bank which are funded, in whole or in part, by the property demolition fund. The Land Bank shall further provide any information as may be requested by members of Council or the Director of Development.

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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: April 22, 2014
Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: October 14, 2014

Journal _____
_____, 20__