



**AGENDA**  
**CUYAHOGA COUNTY ECONOMIC DEVELOPMENT & PLANNING COMMITTEE MEETING**  
**THURSDAY, NOVEMBER 3, 2011**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**9:00 AM**

1. CALL TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT RELATED TO THE AGENDA
4. APPROVAL OF MINUTES FROM OCTOBER 19, 2011 MEETING
5. MATTERS REFERRED TO COMMITTEE
  - a) **R2011-0303**: A Resolution authorizing the issuance and sale of County of Cuyahoga, Ohio Economic Development Refunding Revenue Bonds, Series 2011 (Gilmour Academy Project) in the amount not-to-exceed \$10,000,000.00 for the purpose of currently refunding Series 2009 Bonds issued by the County of Cuyahoga which assisted in financing the costs of a "Project" within the meaning of Chapter 165, Ohio Revised Code; providing for the pledge of revenues for the payment of such bonds; authorizing the execution of various documents required in connection with said bond issuance and authorizing and approving related matters, and declaring the necessity that this Resolution become immediately effective.
  - b) **R2011-0307**: A Resolution authorizing the County Executive to enter into an amendment to Contract No. CE1100533-01, 02 with Tri Mor Corporation for the Year Two Pavement Maintenance Program: Aprons A1, B reconstruction and Aprons A2, C, D1 rehabilitation for the period 8/9/2011 - 6/6/2012 for additional funds in the amount not-to-exceed \$675,500.00.
  - c) **O2011-0049**: An Ordinance authorizing the County Executive to establish an Economic Development Fund for the purpose of investing in job growth and economic development in Cuyahoga County; and declaring the necessity that this Ordinance become immediately effective.

6. MISCELLANEOUS BUSINESS

7. OTHER PUBLIC COMMENT

8. ADJOURNMENT

\*In accordance with Ordinance No. O2011-0020, complimentary parking for the public will be available **beginning at 4:00 p.m.** on any day when the Council or any of its committees holds evening meetings. Please see the Clerk to obtain a parking pass.



## MINUTES

CUYAHOGA COUNTY ECONOMIC DEVELOPMENT & PLANNING COMMITTEE MEETING  
WEDNESDAY, OCTOBER 19, 2011  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
3:00 PM

1. CALL TO ORDER

**The meeting was called to order by Chairman Schron at 3:06 p.m.**

2. ROLL CALL

**The Clerk called the roll. Committee members Schron, Greenspan, Germana and Connally were in attendance and a quorum was determined. Mr. Gallagher and Mr. Rogers were absent from the meeting. Councilmember Miller was also in attendance.**

3. PUBLIC COMMENT RELATED TO THE AGENDA

**There was no public comment.**

4. APPROVAL OF MINUTES FROM SEPTEMBER 26, 2011 MEETING

**A motion was made by Mr. Germana, seconded by Ms. Connally and approved by unanimous vote to approve the minutes of the September 26, 2011 meeting.**

5. MATTERS REFERRED TO COMMITTEE

- a) R2011-0293: A Resolution establishing a list of certified providers for occupational skills training services for the Individual Training Account System for the period 7/1/2011 - 6/30/2014, and authorizing the County Executive to enter into agreements with said providers for said training services:

- 1) Allstate Hairstyling and Barber College
- 2) American Air Conditioning Academy
- 3) American Logistics Group, Inc.
- 4) American Red Cross, Greater Cleveland Chapter
- 5) Northern Ohio Chapter, Associated Builders and Contractors, Inc.
- 6) Ashari's Healthcare, LLC

- 7) ATS Institute of Technology
- 8) Auburn Career Center
- 9) Big Rig Truck Driving School, Inc.
- 10) Blossom 24 Hour We Care Center, Inc.
- 11) Brown Mackie College - Akron
- 12) Cleveland Institute for Dental - Medical Assistants, Inc.
- 13) Cleveland Industrial Training Center, Inc.
- 14) Compassions Training and Awareness Center, Inc.
- 15) Cuyahoga Community College District
- 16) Cuyahoga Valley Career Center Gateway Educational Opportunities, Inc.
- 17) Great Lakes Truck Driving School, Inc.
- 18) Hamrick School
- 19) Hondros College
- 20) Inner State Beauty School
- 21) Kent State University
- 22) Lorain County Community College District
- 23) Lorain County JVS Adult Career Center
- 24) Med-Cert, Inc.
- 25) Micronetohio, Inc. dba Ace Tutors
- 26) New Bridge Cleveland Center for Arts and Technology
- 27) Ohio Technical College, Inc.
- 28) Polaris Career Center
- 29) Remington College
- 30) Solomon Enterprises, LTD. dba Lake Erie Barber College
- 31) The Notre Dame College
- 32) Union Construction Industry Partnership-Apprenticeship Skills Achievement Program
- 33) Ursuline College
- 34) Vatterot Educational Centers, Inc. dba Vatterott College
- 35) Vocational Guidance Services
- 36) Willoughby-Eastlake School of Practical Nursing

**Mr. Frank Brickner, Business Services Manager for the Department of Workforce Development, addressed the Committee regarding Resolution R2011-0293. Discussion ensued.**

**Committee members asked questions of Mr. Brickner pertaining to the item, which they answered accordingly.**

**On a motion by Mr. Germana with a second by Ms. Connally, Resolution No. R2011-0293 was considered and approved by unanimous vote to be referred to the full Council agenda under second reading suspension of rules.**

- b) R2011-0294: A Resolution authorizing awards on RQ19758 to various providers, in the total amount of \$2,995,616.00, for Workforce Investment Act In-School and Out-of School Youth Training for the period 9/1/2011 - 6/30/2012; and authorizing the County Executive to enter into contracts consistent with said awards:

- 1) Baldwin-Wallace College in the amount of \$110,180.00.
- 2) Cuyahoga Community College District in the amount of \$400,000.00.
- 3) Esperanza, Incorporated in the amount of \$175,000.00.
- 4) Linking Employment, Abilities & Potential in the amount of \$196,436.00.
- 5) Mayfield City School District in the amount of \$370,000.00.
- 6) Open Doors, Inc. in the amount of \$259,000.00.
- 7) Youth Opportunities Unlimited in the amount of \$450,000.00.
- 8) Berea Children's Home in the amount of \$490,000.00.
- 9) Cuyahoga Community College District in the amount of \$220,000.00.
- 10) Lutheran Metropolitan Ministry in the amount of \$175,000.00.
- 11) Towards Employment, Incorporated in the amount of \$150,000.00.

**Mr. Brickner addressed the Committee regarding Resolution R2011-0294. Discussion ensued.**

**Committee members asked questions of Mr. Brickner pertaining to the item, which they answered accordingly.**

**On a motion by Mr. Greenspan with a second by Mr. Brady, Resolution No. R2011-0294 was considered and approved by unanimous vote to be referred to the full Council agenda under second reading suspension of rules.**

- c) O2011-0039: An Ordinance establishing procedures governing the use by the County of alternate construction project delivery methods, including construction manager-at-risk, design-build and general contracting project delivery methods for public construction projects; and declaring the necessity that this Ordinance become immediately effective.

**Mr. Miller introduced the following written amendments:**

**Add a new section to read as follows:**

***“In determining whether to accept any recommendation for a contract award or in determining the lowest and best bid for any contract under this ordinance, the County may consider any or all of the factors provided for in Section 4.7 of the Contracting and Purchasing Procedures Ordinance for Cuyahoga County.”***

**Add a new section to read as follows:**

***“At the time of execution of any contract under this ordinance, any successful bidder or respondent to an RFP shall make all of the certifications provided for in Section 4.8 of the Contracting and Purchasing Procedures Ordinance of Cuyahoga County.”***

**On a motion by Mr. Schron, with a second by Mr. Germana, the written amendment introduced by Mr. Miller was unanimously approved.**

Mr. Majeed Makhoulf, Director of Law, introduced the following written amendment:

Add a new section to read as follows:

*"The County shall have the right to take measures to encourage fair and equitable participation by all segments of the County's residents in county construction projects."*

On a motion by Mr. Schron, with a second by Mr. Germana, the written amendment introduced by Mr. Makhoulf was unanimously approved.

Ms. Nora Hurley, Deputy Director of Law, introduced the following verbal amendment on the floor:

Amend the first sentence of Section 6(1) to read as follows:

*"Prior to the award of any subcontract with an estimated subcontract value, selected by the Contracting and Purchasing Board at the time of approving the use of the alternate construction delivery method, the construction manager-at-risk shall submit to the County for approval the qualifications that a subcontractor must have in order to perform the work of the subcontract and a list of at least three (3) subcontracting firms that the construction manager-at-risk believes meets the qualifications."*

Amend the first sentence of Section 11(1) to read as follows:

*"Prior to the award of any subcontract with an estimated subcontract value, selected by the Contracting and Purchasing Board at the time of approving the use of the alternate construction delivery method, the construction manager-at-risk shall submit to the County for approval the qualifications that a subcontractor must have in order to perform the work of the subcontract and a list of at least three (3) subcontracting firms that the construction manager-at-risk believes meets the qualifications."*

*"Prior to the award of any subcontract with an estimated subcontract value, selected by the Contracting and Purchasing Board at the time of approving the use of the alternate construction delivery method, the design-build firm shall submit to the County for approval the qualifications that a subcontractor must have in order to perform the work of the subcontract and a list of at least three (3) subcontracting firms that the design-build firm believes meets the qualifications."*

On a motion by Mr. Schron, with a second by Mr. Brady, the verbal amendment introduced by Ms. Hurley was unanimously approved.

On a motion by Mr. Schron with a second by Mr. Germana, Ordinance No. O2011-0039 was considered and approved by unanimous vote to be referred to the full Council agenda under second reading suspension of rules, as amended.

## 6. MISCELLANEOUS BUSINESS

Chairman Schron reported that legislation regarding the establishment of the Economic Development Fund will be introduced at the October 25, 2011 Council meeting. Legislation regarding the establishment of a surety bond fund will be forthcoming in the near future.

7. OTHER PUBLIC COMMENT

**There was no public comment.**

8. ADJOURNMENT

**With no further business to discuss and on a motion by Mr. Greenspan with a second by Mr. Germana, the meeting was adjourned at 4:41 p.m., without objection.**

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0303

<p>Sponsored by: <b>County Executive FitzGerald/ Department of Development</b></p>	<p><b>A Resolution</b> authorizing the issuance and sale of County of Cuyahoga, Ohio Economic Development Refunding Revenue Bonds, Series 2011 (Gilmour Academy Project) in the amount not-to-exceed \$10,000,000.00 for the purpose of currently refunding Series 2009 Bonds issued by the County of Cuyahoga which assisted in financing the costs of a "Project" within the meaning of Chapter 165, Ohio Revised Code; providing for the pledge of revenues for the payment of such bonds; authorizing the execution of various documents required in connection with said bond issuance and authorizing and approving related matters, and declaring the necessity that this Resolution become immediately effective.</p>
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**WHEREAS**, the County of Cuyahoga, Ohio (the "Issuer"), a county and political subdivision duly organized and validly existing under the laws of the State of Ohio, by virtue of the laws of the State of Ohio, including Article VIII, Section 13 of the Constitution of Ohio and Chapter 165 of the Ohio Revised Code, as amended (the "Act"), is authorized and empowered among other things (a) to issue its Economic Development Refunding Revenue Bonds, Series 2011 (Gilmour Academy Project) in the aggregate principal amount of up to \$10,000,000.00 (the "Bonds"), for the purpose of currently refunding a portion of the Issuer's Economic Development Revenue Bonds, Series 2009 (Gilmour Academy Project) (the "Series 2009 Bonds"), the proceeds of which were loaned to Gilmour Academy, an Ohio non-profit corporation ("Borrower"), to finance the costs of acquiring, constructing, equipping, furnishing and improving a "project", as defined in Section 165.01, as amended, Ohio Revised Code (the "Series 2009 Project") and (b) to enact this Resolution (the "Bond Resolution") and execute and deliver the agreements and instruments hereinafter identified;

**WHEREAS**, this Council of the County of Cuyahoga, Ohio (the "*Council*"), pursuant to the foregoing authority and at the request of, and based upon the representations of the Borrower, has determined that it is willing to authorize the issuance and sale of the Issuer's Economic Development Refunding Revenue Bonds, Series 2011 (Gilmour Academy Project) in the aggregate maximum principal amount of \$10,000,000.00 to currently refund a portion of the Series 2009 Bonds, and in connection with that issuance and sale, to adopt this Resolution, to enter into the Issuer Documents and to execute and deliver certain



other statements, documents and instruments upon the terms set forth in this Resolution and those documents and instruments; and

**WHEREAS**, the Bonds will be issued pursuant to the provisions of the Act and a Trust Agreement (the "*Trust Agreement*"), by and between the Issuer and The Huntington National Bank, as trustee (the "*Trustee*"); and

**WHEREAS**, the Bonds shall not represent or constitute a general obligation, debt or bonded indebtedness, or a pledge of moneys raised by taxation or the faith and credit of the Issuer, the State or any political subdivision thereof, and the holders of the Bonds shall not be given and shall not have any right to have excises or taxes levied by this Council or the Issuer, or the State or the taxing authority of any political subdivision thereof, for the payment of bond service charges, and the Bonds will be payable solely from Revenues (as defined in the Trust Agreement) and other monies available to the Borrower; and

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

**SECTION 1. Definitions.** All defined terms used herein and those not otherwise defined herein shall have the respective meanings given to them in the Trust Agreement with respect to the Bonds between the Issuer and The Huntington National Bank, as trustee (the "Trustee").

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

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

**SECTION 2. Determination of Issuer.** This Council hereby finds and determines that the issuance of the Bonds for the purpose of refunding a portion of the Series 2009 Bonds is consistent with the purposes of the Constitution of the State and the Act and will benefit the people of the Issuer by creating or preserving jobs and employment opportunities and promoting the industrial, commercial and economic development of the Issuer and the State of Ohio. Provision of the loan to currently refund a portion of the Series 2009 Bonds will require the issuance, sale and delivery of the Bonds.

**SECTION 3. Authorization of Bonds.** It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Bonds for the purpose of currently refunding a portion of the Series 2009 Bonds, all in accordance with the provisions of the Loan Agreement between the Issuer and the Borrower (the "Agreement"). The Bonds shall be designated "Economic Development Refunding Revenue Bonds, Series 2011 (Gilmour Academy Project)".

**SECTION 4. Terms and Execution of the Bonds.** The Bonds shall be issued in the form and denominations, shall be numbered, dated and payable as provided in the Trust Agreement. The Bonds shall mature no later than June 1, 2019, and have such terms, and be subject to mandatory and optional redemption as provided in the Trust Agreement. This Board hereby determines that the interest rate on the Bonds shall be a variable rate that shall be determined in the manner and pursuant to the provisions of the Trust Agreement. The Bonds shall be executed on behalf of the Issuer by the manual or facsimile signature of the County Executive. In case any officer whose signature or a facsimile thereof shall appear on the Bonds shall cease to be such officer before the issuance or delivery of the Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until after that time.

The form of the Bonds substantially in the form set forth in Exhibit A to the Trust Agreement, subject to appropriate insertions and revisions in order to comply with the provisions of the Trust Agreement, is hereby approved, and when the same shall be executed on behalf of the Issuer by the appropriate officer thereof in the manner contemplated hereby and by the Indenture, in an aggregate principal amount of up to \$10,000,000.00, shall represent the approved form of the Bonds.

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

**SECTION 5. Authorization of Trust Agreement, Agreement, Bond Purchase Agreement, Tax Regulatory Agreement and All Other Documents to be Executed by the Issuer.** To provide for the issuance and sale of the Bonds, and to better secure the payment of the principal of, and premium, if any, and interest on, the Bonds as the same shall become due and payable, and to provide for the current refunding of a portion of the Series 2009 Bonds, the County Executive and the County Executive's Chief of Staff as the County Executive's designee pursuant to Executive Order No. 02011-0002, and each of them, is hereby authorized and directed to execute, acknowledge and deliver in the name and on behalf of the Issuer, the Trust Agreement, the Agreement, the Bond Purchase Agreement and the Tax Regulatory Agreement (collectively, the "Issuer Documents") in substantially the forms on file with the Issuer, which are hereby approved, with such changes requested and approved by the County Prosecutor's office and any changes not materially inconsistent with this Bond Resolution and not adverse to the Issuer as may be permitted by the Act and approved by the officers executing the same on behalf of the Issuer. The approval of such changes by said officer, and that such are not adverse to the Issuer, shall be conclusively evidenced by the execution and delivery of such Issuer Documents by such officer.

The Executive, the Chief of Staff as authorized designee of the Executive, the Fiscal Officer and the Clerk of the Council are each hereby separately authorized to take any and all actions and to execute such financing statements, assignments, certificates and other documents and instruments that may be

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

**SECTION 6. Sale of Bonds.** The Bonds are to be sold and awarded to the original purchaser thereof (the "Original Purchaser") identified in accordance with the Trust Agreement, the Agreement and the Bond Purchase Agreement, at a purchase price of not less than 100% of the aggregate par amount of the Bonds.

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

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

**SECTION 7. Covenants of Issuer.** In addition to other covenants of the Issuer in this Bond Resolution, the Agreement and the Indenture, the Issuer further covenants and agrees as follows:

(a) Arbitrage Provisions and Information Return. The Issuer covenants that in the Agreement it will require the Borrower to restrict the use of the proceeds of the Bonds in such manner and to such extent as may be necessary so that the Bonds will not constitute arbitrage bonds under Sections 103(b)(2) and 148 of the Code. The Executive is authorized and directed to give:

(i) an appropriate certificate or agreement of the Issuer prepared by bond counsel and approved by the County Prosecuting Attorney and the Issuer's appointed legal counsel, based upon representations of the Borrower, as provided in such certificate, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the Issuer regarding the amount and use of all of the proceeds of the Bonds, the facts, circumstances and estimates on which those expectations are based and other facts and circumstances relevant to the tax treatment of interest on the Bonds, as provided by the Borrower, all as of the date of delivery of and payment for the Bonds; and

(ii) a statement setting forth the information required by Section 149(e) of the Code.

The Issuer covenants that it (i) will take or require to be taken, upon the advice of nationally recognized bond counsel and to the extent of its power or control all actions that may be reasonably required of it for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, and (ii) will not take or authorize to be taken any actions that would adversely affect that exclusion under the provision of the Code. The Board is hereby authorized and directed to take any and all actions and make or give reports and certifications, as may be appropriate to assure such exclusion of that interest.

In its performance of these covenants and other covenants of the Issuer pertaining to federal income tax laws, the Issuer may rely in good faith upon the advice of nationally recognized bond counsel which is in writing and is provided to the Trustee, the cost of which shall be paid from the Revenues or other funds available under the Indenture. The Issuer shall not be required to pay any amount as part of any investigation by or closing agreement with the Internal Revenue Service, or otherwise, for the interest on the Bonds to be and to remain excluded from gross income for federal income tax purposes, except from the Revenues.

(b) Payment of Principal, Premium and Interest. The Issuer will, solely from the Revenues received under the Loan Agreement or sources in the Trust Agreement provided, pay or cause to be paid the principal of, premium, if any, and interest on the Bonds on the dates, at the places and in the manner provided herein, in the Trust Agreement and in the Bonds.

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

within the meaning of Section 2731.01 of the Ohio Revised Code, providing for enforcement by writ of mandamus.

**SECTION 8. No Personal Liability.** No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Bond Resolution, or in any Bond, or in the Issuer Documents, or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any officer or employee as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof, or for or to any holder of any Bond, or otherwise, of any sum that may be due and unpaid by the Issuer upon any of the Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer or employee, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to the owner or any holder of any Bond, or otherwise of any sum that may remain due and unpaid upon any Bond, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Issuer Documents and the issuance of the Bonds.

**SECTION 9. No Debt or Tax Pledge.** Anything in this Bond Resolution, the Trust Agreement, the Bonds or any other agreement or instrument to the contrary notwithstanding, neither this Bond Resolution, the Bonds, the Trust Agreement, the Agreement, the Tax Regulatory Agreement nor the Bond Purchase Agreement shall represent or constitute a debt or pledge of the faith and credit of or the taxing power of the Issuer, and each Bond shall contain on the face thereof a statement to that effect and to the effect that the Bonds shall be paid solely from the Revenues received pursuant to the Loan Agreement and in accordance with the Indenture.

**SECTION 10. Severability.** If any section, paragraph or provision of this Bond Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Bond Resolution.

**SECTION 11. Tax Designation.** This Council acknowledges that the Bonds will be “qualified tax-exempt obligations” under Section 265(b)(3)(D) of the Code.

**SECTION 12. Open Meeting.** This Council hereby finds and determines that all formal actions relative to the adoption of this Bond Resolution were taken in an open meeting of this Issuer, and that all deliberations of this Council and of its committees, if any, which resulted in formal action were in meetings open to the public, in full compliance with the law, including Section 121.22, Ohio Revised Code.

**SECTION 13. Effective Date.** This Resolution shall be in full force and effect immediately upon the signature of the County Executive, provided this Resolution receives the affirmative vote of eight members elected to Council. It is hereby determined to be necessary that this Resolution become immediately effective in order that the project may proceed in a timely manner.

On a motion \_\_\_\_\_, 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 25, 2011  
Committee(s) Assigned: Economic Development & Planning

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

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0307

Sponsored by: <b>County Executive FitzGerald/Department of Development/Airport Division</b>	<b>A Resolution</b> authorizing the County Executive to enter into an amendment to Contract No. CE1100533-01, 02 with Tri Mor Corporation for the Year Two Pavement Maintenance Program: Aprons A1, B reconstruction and Aprons A2, C, D1 rehabilitation for the period 8/9/2011 - 6/6/2012 for additional funds in the amount not-to-exceed \$675,500.00.
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WHEREAS, the County Executive/Department of Development/Airport Division has submitted a request to amend Contract No. CE1100533-01, 02 with Tri Mor Corporation for the Year Two Pavement Maintenance Program: Aprons A1, B reconstruction and Apron A2, C, D1 rehabilitation for the period 8/09/2011 – 6/6/2012 and for additional funds in the amount not-to-exceed \$675,500.00; and

WHEREAS, this amendment increases the total amount of the contract to \$1,495, 860.00; and

WHEREAS, the Airport received additional funding from the Federal Aviation Administration (“FAA”) and approving the amendment to the contract will permit the Airport to maximize the Ohio Department of Transportation (“ODOT”) and FAA grant funding; and

WHEREAS, Apron A1 and Apron A2, C, and D1, which are located adjacent to Flight Options/Nextant, have been identified to be in poor/failing condition and in need of reconstruction and/ or rehabilitation; and

WHEREAS, the expected outcome is to reconstruct Apron A1 and rehabilitate Aprons A2, C, and D1.

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

**SECTION 1.** That the County Council hereby authorizes the County Executive to amend Contract No. CE1100533-01, 02 with Tri Mor Corporation for the Year Two Pavement Maintenance Program: Aprons A1, B reconstruction and Apron A2, C, D1 rehabilitation for the period 8/09/2011 – 6/6/2012 and for additional funds in the amount not-to-exceed \$675,500.00.

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

**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 any of its committees that resulted 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 25, 2011

Committee(s) Assigned: Economic Development & Planning

Journal \_\_\_\_\_

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



# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0049

Sponsored by: <b>County Executive FitzGerald/Department of Development</b>	<b>An Ordinance</b> authorizing the County Executive to establish an Economic Development Fund for the purpose of investing in job growth and economic development in Cuyahoga County; and declaring the necessity that this Ordinance become immediately effective.
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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, the Cuyahoga County Economic Development Commission has proposed, and this Council has adopted, the Cuyahoga County Economic Development Plan in Ordinance No. O2011-0026; and,

WHEREAS, the County Executive/ Department of Development has proposed the establishment of a \$100,000,000.00 Economic Development Fund to invest in job growth and economic development in Cuyahoga County under the Economic Development Plan; and,

WHEREAS, the Economic Development Fund shall strive to meet the principal objectives of expanding the economic base in the county, including outcomes consistent with economic growth including job creation and improved quality of life; and,

WHEREAS, the County Executive/Department of Development has proposed that the Economic Development Fund should invest in specific programs for Workforce Development, Property Reutilization, Small Business Growth, and Large Scale Business Growth and Attraction; and,

WHEREAS, the Executive has proposed, and this Council concurs, that the Department of Development shall administer the Economic Development Fund in a manner that promotes inclusion of economically isolated populations, transparency for public accountability, and collaboration with existing economic development organizations as priorities for the department’s approach; and,

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

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

**SECTION 1.** There is hereby created the Cuyahoga County Economic Development Fund, which shall be administered by the County Executive through the Department of Development.

**SECTION 2.** The Economic Development Fund shall undertake the following four priorities:

- a) Large Business Growth and Attraction;
- b) Small Business Growth;
- c) Property Reutilization; and
- d) Workforce Development.

**SECTION 3.** The Department of Development shall make a report to the County Council detailing the operations, performance measures and changes to the Fund annually in concert with updates to the County's Five Year Economic Development Plan as required by the County Charter.

**SECTION 4.** It is necessary that this Ordinance become immediately effective in order to retain secured financing and project completion. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: October 25, 2011  
Committee(s) Assigned: Economic Development & Planning

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